

lish employers' liability, and to extend the eight-hour law—to the Committee on the Judiciary.

Also, petition of National Tariff League, favoring uniform bill of lading—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Joseph F. Palukus and others, of Buffalo, N. Y., and Local Union No. 12, Painters, Paper Hangers, and Decorators, for amendment to Sherman antitrust law (H. R. 20584), and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. SPARKMAN: Paper to accompany bill for relief of heirs of Benjamin F. Crockett—to the Committee on War Claims.

By Mr. SMITH of Missouri: Petition of citizens of Missouri, favoring the Littlefield and Sims bills—to the Committee on the Judiciary.

By Mr. THISTLEWOOD: Petition of labor organizations of Cairo, Ill., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, for the Pearre bill, the employers' liability bill, and the extension of the national eight-hour law—to the Committee on the Judiciary.

By Mr. WEEMS: Petitions of William O'Leary and others, Z. L. Trenton and others, Rich H. Padden and others, and James Guest and others, for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, for the Pearre bill, the employers' liability bill, and the extension of the national eight-hour law—to the Committee on the Judiciary.

By Mr. YOUNG: Petition of working people of the Twelfth Congressional District of Michigan, for the protection, restoration, and defense of the natural and inherent rights of our people and for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

## SENATE.

FRIDAY, May 15, 1908.

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 421. An act to pay allottees the amount paid into the Treasury of the United States on account of the sale, cutting, or removal of timber from, or damages to, lands allotted to them, and to appropriate money for the payment thereof;

H. R. 21410. An act granting condemned ordnance to certain institutions; and

H. R. 21871. An act to amend the national banking laws.

### ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 17296) providing for the restoration of the motto "In God we trust" on certain denominations of the gold and silver coins of the United States, and it was thereupon signed by the Vice-President.

### INTERNATIONAL CONGRESS ON TUBERCULOSIS.

Mr. GALLINGER. Mr. President, I have a letter on a matter of great concern to the American people, which I will ask to have read. I have no suggestions to make concerning it, but I think it well to have it read so that the Senate may understand about the matter and that it may go in the Record for further consideration. I will ask that the Secretary read the letter.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read in part the letter, which is, entire, as follows:

THE INTERNATIONAL CONGRESS ON TUBERCULOSIS,  
Washington, D. C., May 14, 1908.

Senator JACOB GALLINGER, Washington, D. C.

MY DEAR SENATOR: The International Congress on Tuberculosis is to meet in Washington this year from September 21 to October 12, inclusive. From present outlook it will be the most important event in the interest of public health and wealth that the world has seen. England has appointed a committee of nearly 300 of its most prominent citizens to participate, among them such men as Osler, Albutt, Sir

Thomas Barlow, Right Hon. Lord James Blyth, Sir Lauder Brunton, Sir W. Selby Church, Sir Malcolm Morris, the Countess of Aberdeen, and the Lord Provost of Glasgow. France has appointed an equally large committee, with such men on it as Ex-President Loubet, Professors Bouchard and Landouzy, Senator Leon Bourgeois, Senator Labbé, and Director Mesureur. Germany will participate with such men as Von Behring, Nietner, Baginsky, Von Leyden, and Orth. Every civilized country of the world is preparing to participate and has organized for this purpose with its foremost men on its committee. We now are confronted with the problem of properly housing this gigantic gathering and exposition. We not only will have to provide meeting rooms for seven sections of from 300 to 1,000 people each, but we will have to house an exhibit which to the scientific and philanthropic world is what a world's fair is to the commercial world. Every country will participate in this exhibit. Our local committee in Washington has reported that there is no building in Washington outside of Government buildings large enough to house the congress properly. We accordingly have appealed to Congress to give us the use of the Capitol and the Congressional Office Building for housing the congress. These buildings would house the congress creditably to our country and in some measure upon the plane established by other countries.

The congress was organized in Paris in 1898, it met again in Naples in 1899, in Berlin in 1900, in London in 1901, and a second time in Paris in 1905. The meeting in Berlin had between two and three thousand members. In London an immense gathering was expected, and St. James Hall was given for its use. In Paris a still larger gathering was looked for, and the French Republic gave the use of the Grand Palais. The congress on this occasion was the guest of the French Government, and President Loubet presided at the initial meeting. When we invited the congress to Washington, assent was given with tremendous applause and the hope was expressed that this Washington meeting would be the greatest and most fruitful that the world had yet seen. The reputation of our country for doing things on a large scale brings with it obligations which we can not ignore. We must at least do as well as other countries have done, and the world expects that we will do better. Nothing short of the Capitol and the Congressional Office Building will come up to the housing given by England and France.

The question has been asked why this congress has been invited to Washington. The National Association for the Study and Prevention of Tuberculosis, a representative body of citizens of our country, deeply interested in the crusade against tuberculosis, felt that the time has come when the United States should claim its logical place in the world campaign against the white plague and should be permitted to profit by the knowledge and experience of the rest of the world in this warfare. All of the first ruling countries had been hosts to this congress, and the United States had been a guest to each. How could we longer resist the logic of events without defaulting among nations?

Other large cities in our country stood ready not only to house the Congress, but to give it a setting such as had never been given anywhere in the world. We felt, however, that it would be an insult to our National Government to take this congress anywhere in our country except our capital. We felt certain that the United States Congress would do all that might be necessary to give this congress a setting commensurate with its importance and the rank of our country among nations.

The committee has raised a fund of upward of \$60,000 from public-spirited citizens for organizing the congress and getting up the exhibit. We expect to bring this amount up to \$100,000. Were it physically possible for us to supply proper housing, we would do so, and we are confident that we could raise the money for this purpose. As matters stand adequate housing is only possible through Congress, because there are no buildings in Washington outside of Government buildings big enough and dignified enough for the purpose. I therefore appeal to you to help us.

Trusting that we may have your cooperation, I remain,

Very truly, yours,

LAWRENCE F. FLICK.

Mr. GALLINGER. I think I will ask simply to have the remainder of this interesting letter printed in the Record. It is a matter of extreme importance. I do not feel at all sure that what is asked could possibly be granted, but it is certain that some liberal provision ought to be made by Congress for taking care of this great gathering. Men of distinguished scientific attainments will come from all parts of the world. It seems that England has appointed nearly 300 of its most prominent citizens to come here and participate in this international congress. I ask simply that the remainder of the letter be printed in the Record.

The VICE-PRESIDENT. Without objection the entire letter will be printed in the Record, and it will lie on the table.

### AMENDMENT OF NATIONAL BANKING LAWS.

Mr. HALE. I ask that the financial bill just received from the House be laid before the Senate for reference.

H. R. 21871, an act to amend the national banking laws, was read twice by its title.

Mr. HALE. I ask that the bill be referred to the Committee on Finance.

The VICE-PRESIDENT. It will be so referred.

Mr. NEWLANDS. I should like to ask what disposition was made of the bill?

The VICE-PRESIDENT. It was referred to the Committee on Finance.

Mr. NEWLANDS. Before the reference is made, I should like to say a word on the subject.

Mr. HALE. I am very desirous that we should get an hour for the consideration of the Calendar, by unanimous consent, to dispose of a great many bills there in which many Senators are interested. This bill ought to go to the Committee on Finance at once, but if the Senator is going to debate it I will withdraw my suggestion.

Mr. MONEY. I wish to make an inquiry of the Chair. What is the pending order now?

The VICE-PRESIDENT. The order is the presentation of petitions and memorials.

Mr. NEWLANDS. Mr. President, I wish to say only a few words in regard to this bill. I trust that the Committee on Finance will present the bill with certain amendments which I shall suggest briefly.

One is an amendment requiring that national banks shall keep at least three-fourths of their reserves in their bank vaults, the change, however, to be made gradually, within a period of five years, under the direction of the Comptroller of the Currency.

I also hope that the committee will submit another amendment, and that is one preventing national banks from loaning their depositors' money to an amount exceeding five times their capital and surplus, and that provision shall be made also for a gradual change in this respect, under the direction of the Comptroller of the Currency, within a period of five years, the purpose of the gradual change being not to accomplish an immediate dislocation in the relation between the loans of the banks and their capital and surplus, but to accomplish the reform gradually.

I also trust that an amendment will be offered by the committee providing that State banks may become members of these clearing-house associations, conditioned upon their complying with the requirements of the national-bank act in these provisions relating to the relations of reserves to deposits and bank loans to capital.

I also trust that the committee will offer an amendment that the presidents of the clearing-house associations shall meet annually and select a banking commission of nine men, each representing a section of the country corresponding to the judicial circuits, who shall sit permanently at Washington as an advisory commission to the President, the Secretary of the Treasury, and to Congress, with a view to considering changes in the banking law and making recommendations regarding interstate and international exchange, and also with a view of bringing the Treasury Department into immediate contact with the selected representative of each section of the country, so that we shall have at Washington the sentiment of each section represented in such a commission, instead of compelling the Secretary of the Treasury, as heretofore, to go to one place, New York, for counsel and advice regarding the financial situation.

Now, if the Finance Committee will present brief amendments in this direction—requiring changes in reserves to be gradually brought about within a period of five years; providing that the amount of the capital and surplus and the bank loans shall be fixed in a certain relation, the change to be accomplished in five years; providing that the State banks shall become members of these clearing-house associations upon the condition that they shall subject themselves to the same rules relating to reserves and to bank loans, and then establishing a banking commission at Washington representing the best thought of the banking sentiment in each section and in direct contact with Congress and the Executive in matters of advice and counsel—it seems to me that it will largely perfect this bill and to a very large extent do away with the necessity for the currency commission which it is proposed to create.

The VICE-PRESIDENT. The bill will be referred to the Committee on Finance.

#### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Indiana Branch of the National Rivers and Harbors Congress, of Indianapolis, Ind., remonstrating against the enactment of legislation permitting the construction of a dam for power or other purposes in White River at or near Williams, in that State, which was referred to the Committee on Commerce.

He also presented sundry petitions of citizens and labor organizations of Seattle, Wash., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of the American Water Works Association, praying for the enactment of legislation providing for the taking of the census of the water powers of the United States by the Census Bureau, which was referred to the Committee on the Census.

Mr. CULLOM presented petitions of sundry citizens and labor organizations of Taylorville and Urbana, in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. FRYE presented sundry petitions of citizens and labor organizations of Madison, Me., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of the Central Labor Union, American Federation of Labor, of Newport, R. I., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. PLATT presented petitions of sundry citizens and labor organizations of New York City and Yonkers, in the State of New York, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of the National Convention for the Unemployed, of New York City, N. Y., praying that an appropriation be made for the improvement of national roadways and for the deepening and improving of the waterways of the country, which was referred to the Committee on Agriculture and Forestry.

Mr. WARREN presented a petition of sundry citizens of Rock Springs, Wyo., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. PENROSE presented a petition of Corry Council, No. 425, Order of Knights of Columbus, of Corry, Pa., praying for the enactment of legislation making October 12, the anniversary of the discovery of America by Christopher Columbus, a national holiday, which was referred to the Committee on the Judiciary.

He also presented a petition of Frackville Grange, No. 1225, Patrons of Husbandry, of Frackville, Pa., praying for the passage of the so-called "McHenry bill," providing for the safety of deposits in all banks, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of East Downingtown, Pa., remonstrating against the enactment of legislation to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases, which was referred to the Committee on the Judiciary.

Mr. HALE presented petitions of sundry citizens and labor organizations of Bangor and Millinocket, in the State of Maine, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation to promote Rear-Admiral Robley D. Evans to the grade of vice-admiral, which was referred to the Committee on Naval Affairs.

He also presented a petition of the San Joaquin Building Trades Council, of Stockton, Cal., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. PILES presented a memorial of sundry citizens of Seattle and Montesano, in the State of Washington, remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens and labor organizations of Seattle and Bellingham, in the State of Washington, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also (for Mr. ANKENY) presented a petition of the Central Labor Council, American Federation of Labor, of Seattle, Wash., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. BROWN presented a petition of the Commercial Club of Kearney, Nebr., praying for the enactment of legislation to authorize the Secretary of War to investigate and report a plan for the preservation of Old Fort Kearney, in that State, as historical ground, which was referred to the Committee on Military Affairs.

#### TRADE WITH THE PHILIPPINES.

Mr. TELLER. Mr. President, I have here a paper touching trade with the Philippines in sugar and tobacco, sent to me with the request that I should put it in the RECORD. In my judgment it should not go in the RECORD; it is cheaper and better to publish it as a document. Therefore I ask unanimous consent that it may be published as a document.

The VICE-PRESIDENT. Without objection, it is so ordered.



## MEMORIAL TO ABRAHAM LINCOLN.

Mr. WETMORE. I am directed by the Committee on the Library, to whom was referred the bill (S. 7110) to aid in building a memorial to Abraham Lincoln, on the site of the Lincoln birthplace, in Kentucky, to report it favorably without amendment, and I submit a report (No. 660) thereon. I ask for its present consideration.

Mr. HALE rose.

Mr. CULLOM. I hope the bill will be considered and passed at this time.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the expenditure of \$50,000 under the direction of the Secretary of War, for the express purpose, and no other, of aiding in the building of a suitable memorial upon the farm, in the State of Kentucky, upon which Abraham Lincoln was born, said memorial to be in process of construction February 12, 1909, the centennial of Abraham Lincoln's birth. But authorization of expenditure is made upon the express condition that the Lincoln Farm Association of the State of New York shall first have raised the sum of \$150,000, used, or to be used, for the purchase of the farm, building the memorial, caring for the same, and acquiring relics characteristic of the life of the period and locality in which Lincoln was born.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## CONSIDERATION OF THE CALENDAR.

Mr. HALE. Mr. President, when the routine morning business is ended I propose to ask the Senate, for the convenience of a great many Senators, to proceed to the consideration, under Rule VIII, of bills on the Calendar to be passed by unanimous consent.

For several days all bills have been held up by the appropriation and other bills. A great many Senators are interested in bills on the Calendar, and half an hour or an hour spent in taking up only those bills that will pass by unanimous consent will relieve a great many Senators. As soon as the morning business is over I shall make the request. I will not interfere now with the regular order.

## REPORTS OF COMMITTEES.

Mr. PLATT, from the Committee on Printing, reported an amendment proposing to appropriate \$800 to pay A. J. Halford for compiling, editing, and indexing the third edition of the Congressional Directory, first session, Sixtieth Congress, intended to be proposed to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CARTER, from the Committee on the District of Columbia, to whom was referred the bill (S. 6087) authorizing the extension of P, Volta, Q, and Dent streets NW, reported adversely thereon, and the bill was postponed indefinitely.

Mr. PILES, from the Committee on Commerce I report back favorably with an amendment the bill (S. 6840) to amend the laws concerning transportation between ports of the Territory of Hawaii and other ports of the United States, and I submit a report (No. 661) thereon. I ask for the present consideration of the bill.

Mr. HALE. There are Senators who desire to look at that bill.

Mr. PERKINS. I desire, on the part of the minority of the committee, to submit a minority report.

Mr. HALE. Yes; there is a minority report. Of course it will go over.

The VICE-PRESIDENT. The Senator from California submits the views of the minority. The bill will go to the Calendar.

Mr. ALDRICH. I am directed by the Committee on Finance to report back the bill (H. R. 21871) to amend the national banking law, with a recommendation to strike out all after the enacting clause and to substitute the bill which I send to the desk. I will say that this is a unanimous report of the Committee on Finance.

Mr. BAILEY. I simply in this connection wish to say that the report is unanimous in the sense that I very much prefer the bill reported by the Senate committee as against the bill which passed the House. In that sense it is unanimous.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (H. R. 21003) fixing the compensation of certain officials in the customs service, and for other purposes, reported it with an amendment.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 6919) to establish a home for feeble-minded, imbecile, and idiotic children in the District of Columbia, and for other purposes, reported it without amendment, and submitted a report (No. 662) thereon.

Mr. CLAPP, from the Committee on Indian Affairs, to whom the subject was referred, reported a joint resolution (S. R. 88) to provide for an accounting of certain funds held in trust for the Chippewa Indians in Minnesota, which was read twice by its title.

Mr. OWEN, from the Committee on Indian Affairs, to whom were referred the following bills, reported adversely thereon, and the bills were postponed indefinitely:

A bill (S. 4290) providing for the extension of time within which purchasers of lands in the Kiowa, Comanche, and Apache reservations and the Fort Sill Wood Reservation may make payment;

A bill (S. 3995) extending time of payment on town-site lots in that part of Oklahoma formerly comprising the Indian Territory;

A bill (S. 6720) for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes; and

A bill (S. 6721) for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes.

He also, from the Committee on Indian Affairs, to whom was referred the bill (S. 5310) to authorize the Kaw tribe of Indians residing in the State of Oklahoma to bring suit in the Court of Claims, and for other purposes, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 4292) for the relief of Clarence W. Turner, reported it with an amendment.

Mr. BEVERIDGE, from the Committee on Territories, to whom was referred the amendment submitted by Mr. GORE on the 8th instant, proposing to appropriate \$214,335.25 to pay the unpaid expenses of the constitutional convention of Oklahoma, intended to be proposed to the general deficiency appropriation bill, reported it with an amendment, submitted a report (No. 663) thereon, and moved that it be printed and referred to the Committee on Appropriations, which was agreed to.

## MENOMINEE INDIAN RESERVATION, WIS.

Mr. CLAPP. From the Committee on Indian Affairs I report a joint resolution to amend an act entitled "An act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on the Menominee Indian Reservation, in the State of Wisconsin," approved March 28, 1908, and I ask for its present consideration. It is to perfect an act that has already passed at this session, and this joint resolution is reported at the request of the senior Senator from Wisconsin [Mr. LA FOLLETTE], who is unable to be present.

Mr. HALE. It will give rise to no debate?

Mr. CLAPP. Oh, to no debate.

The joint resolution (S. R. 87) to amend an act entitled "An act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on the Menominee Indian Reservation, in the State of Wisconsin," approved March 28, 1908, was read the first time by its title and the second time at length, as follows:

*Resolved, etc.,* That the act of Congress approved March 28, 1908, entitled "An act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on the Menominee Indian Reservation, in the State of Wisconsin," be, and the same is hereby, amended to authorize the Secretary of the Interior to manufacture into lumber any logs now remaining on hand which have heretofore been cut under the provisions of the act of Congress entitled "An act to authorize the cutting, sawing into lumber, and sale of timber on certain lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin," approved June 28, 1906, or under the provisions of the act of Congress entitled "An act to authorize the sale of timber on certain lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin," approved June 12, 1890, or to dispose of the same in accordance with the provisions of either or both of the two acts of Congress last aforesaid.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 7120) granting a pension to Lettie A. Dunn, which was read twice by its title and referred to the Committee on Pensions.

Mr. DIXON introduced a bill (S. 7121) for the relief of the estate of James W. Mardis, which was read twice by its title and referred to the Committee on Claims.

Mr. BURNHAM introduced a bill (S. 7122) for the relief of Nathan F. Amee and others, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. SMITH of Michigan introduced a bill (S. 7123) granting an increase of pension to Harry S. Lee, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GAMBLE introduced a bill (S. 7124) granting an increase of pension to Frederick E. Sabastian, which was read twice by its title and referred to the Committee on Pensions.

Mr. NEWLANDS introduced a bill (S. 7125) for the relief of Samuel T. G. Morsell, which was read twice by its title and referred to the Committee on Claims.

Mr. FRAZIER introduced a bill (S. 7126) to authorize French Broad River Power Company to build a dam across French Broad River in Knox County, Tenn., which was read twice by its title and referred to the Committee on Commerce.

Mr. FOSTER introduced a bill (S. 7127) for the relief of heirs of Marcelin Tauzin, which was read twice by its title and referred to the Committee on Claims.

Mr. GORE introduced a joint resolution (S. R. 89) patenting certain lands to the municipality of Alva, Okla., which was read twice by its title and referred to the Committee on Public Lands.

#### AMENDMENTS TO GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. PENROSE submitted an amendment proposing to appropriate \$6,418.16 for reimbursement of the Philadelphia, Baltimore and Washington Railroad Company for the cost of maintenance of the Long Bridge from February 12, 1906, to December 18, 1906, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. NEWLANDS submitted an amendment providing for the appointment of an inland waterways commission, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

#### AMENDMENTS TO OMNIBUS PUBLIC BUILDINGS BILL.

Mr. KEAN submitted five amendments intended to be proposed by him to the omnibus public buildings bill, which were referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. MONEY submitted an amendment intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. WARREN submitted two amendments intended to be proposed by him to the omnibus public buildings bill, which were referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. CULBERSON submitted an amendment intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. FRAZIER submitted three amendments intended to be proposed by him to the omnibus public buildings bill, which were referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. GAMBLE presented an amendment intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. OVERMAN submitted three amendments intended to be proposed by him to the omnibus public buildings bill, which were referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. BEVERIDGE submitted an amendment intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. HEMENWAY submitted an amendment intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. CULBERSON submitted two amendments intended to be proposed by him to the omnibus public buildings bill, which were referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. GORE submitted three amendments intended to be proposed by him to the omnibus public buildings bill, which were referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. FOSTER submitted three amendments intended to be proposed by him to the omnibus public buildings bill, which were referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. HEMENWAY submitted three amendments intended to be proposed by him to the omnibus public buildings bill, which were referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. McCREARY submitted an amendment intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. TELLER submitted an amendment intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

#### THE THIRTEENTH CENSUS.

Mr. BURKETT submitted an amendment intended to be proposed by him to the bill (H. R. 16954) to provide for the Thirteenth and subsequent decennial censuses, which was referred to the Committee on the Census and ordered to be printed.

#### AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. BRANDEGEE submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was ordered to lie on the table and be printed.

#### WITHDRAWAL OF PAPERS—WILLIAM HARRINGTON.

On motion of Mr. PENROSE, it was

*Ordered*, That leave be granted to withdraw from the files of the Senate the papers in the case of William Harrington, accompanying Senate bill 699, Sixtieth Congress, first session, subject to the provision of clause 2 of Rule XXX.

#### OPENING OF INDIAN ROLLS.

Mr. CLAPP. I ask to have printed as a document a hearing before the Committee on Indian Affairs, United States Senate, on the bill (S. 4736) extending the provisions of an act approved February 6, 1901, entitled "An act amending an act of August 15, 1904, entitled 'An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaties and stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes,'" to any person claiming any right in the common property of the Choctaw and Chickasaw Indians or tribes.

The VICE-PRESIDENT. Without objection, it is so ordered.

#### ENROLLMENT OF OSAGE INDIANS.

Mr. CLAPP. I ask to have printed as a document a hearing before the Committee on Indian Affairs, United States Senate, on joint resolution No. 70, for the enrollment of certain persons as members of the Osage tribe of Indians, and for other purposes.

The VICE-PRESIDENT. Without objection, it is so ordered.

#### SPECIAL PARCELS POST.

Mr. PENROSE. I ask unanimous consent to have inserted in the RECORD a letter from the Postmaster-General relating to the post-office appropriation bill, which I omitted to have inserted when that bill was up for consideration.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE POSTMASTER-GENERAL,  
Washington, D. C., May 11, 1908.

MY DEAR SENATOR: A statement of the postal receipts for March, 1908, shows a decrease of \$260,957, or 3.11 per cent, at the largest fifty post-offices. The percentages of increase or decrease in the postal receipts at fifty of the principal post-offices during the five months preceding March last, as compared with the corresponding months the previous year, are: October, 3.80 per cent increase; November, 0.17 per cent decrease; December, 6.14 per cent increase; January, 1.59 per cent decrease; February, 4.66 per cent increase.

I am convinced that the establishment of a special local parcel post on rural routes would tend to wipe out the postal deficit, and would eventually make the rural free delivery self-sustaining, besides being a boon to the farmer and retail country merchant. There are now in operation more than 39,000 rural routes, serving a population of about 15,000,000 people; and should an average of 50 pounds of merchandise be carried on each trip throughout the year it is estimated that about \$15,000,000 would be realized, and the net return to the Government would be more than sufficient to equal the deficit. I feel that from an administrative and business view point it is most desirable that such legislation be enacted. However, as this seems impossible at this session of Congress, I urgently recommend that the Postmaster-General be given authority to conduct an experimental parcel post on rural routes, the same as was done originally with rural delivery.

On December 19, 1907, Mr. LAFEAN, of Pennsylvania, introduced a bill in the House providing for the establishment of a parcels-post system in York and Adams counties, Pa. I urge that the principal of this bill be proposed as an amendment to the post-office appropriation bill—with the exception that the Post-Office Department will not require any appropriation for the purpose.



I call your attention to the following presentations concerning the advantages of a special local parcels post confined to rural-delivery routes:

The Department favors the establishment of this special service because of its ability to render it with great advantage to the farmer, the country merchant, and other patrons of the routes, as the necessary machinery (over 39,000 routes now regularly covered by rural carriers) is in operation. There are some 15,000,000 people living on these routes, which shows the vast possibilities of the rural service. The increased cancellations would automatically advance the salaries of postmasters of the fourth class, and the remaining revenue would be clear gain.

The history and advantages of the rural delivery should be understood by our people. There is a feeling in many quarters that it is an extravagance and an unnecessary drain upon the postal revenues. The first rural route was established in the latter part of 1896, \$14,840 being expended for rural delivery during that fiscal year. At that time the postal deficit was \$11,411,779. During the fiscal year ended June 30, 1907, the expenditures for rural delivery aggregated \$26,671,699, while the postal deficit showed a decrease, as compared with 1897, of \$4,800,000, the deficit amounting to \$6,653,282. This would seem to show that, while the expense incurred for maintaining rural delivery is great, yet the rural delivery has been instrumental in increasing the general postal receipts. However, its benefits to our people can not be measured in dollars and cents.

That a local parcels post on rural routes would be of material advantage to the local retail merchant in competition with mail-order houses is seen at once, when it is pointed out that the latter is obliged to pay 64 cents for sending a 4-pound package to a rural-route patron, as against a cost of 25 cents to the local storekeeper for sending an 11-pound package to the rural-route patron.

Letters and petitions for this extension of the parcels post are being received from all sections of the country. Many commercial bodies formerly opposed to any action of this kind are on record as being heartily in favor of it.

On the other hand, objections have been raised to the measures the Department is advocating. Although no sound argument has been advanced in opposition, the contentions which have been made are not without interest. I mention the more important of them, at the same time giving the replies which they have elicited.

The claim that the special local rate recommended for the parcels post on rural routes would eventually be extended to include the entire postal service has been given considerable publicity. The impossibility of this becomes apparent when attention is directed to the cost of railroad transportation, which has no part in the former service. About \$45,000,000 were paid last year for mail transportation and about \$6,000,000 for postal cars.

Others have said that large mail-order houses would under the proposed law utilize the special parcels post on rural routes through agents, to the great disadvantage of the country merchant, first assembling their orders and dispatching them by express or freight to suitable distributing points. The Department has recommended provisions which will prevent any such use of the routes, namely:

"Provided further, That nothing herein contained shall be taken as authorizing the acceptance or delivery at such special rates of postage of any parcel offered by any person acting as agent or representative, upon commission or otherwise, for any person or company not resident on such rural delivery route: And provided further, That only such parcels shall be received for delivery at the special rates of postage as are offered by bona fide merchants or dealers whose regular places of business are on such rural delivery routes or the town from which the route or routes emanate, in the ordinary and regular course of their business, and by residents on such routes in their individual capacity."

It should be remembered, too, that even in the absence of a specific prohibition of this nature, any systematic attempt upon the part of a mail-order house to thus distribute its wares would necessitate the employment of many thousands of local representatives. The catalogues of these concerns indicate in no uncertain way that they attribute their success in large measure to their low selling expense, and that the absence of any sort of agents is the principal feature of their argument in accounting for the supposedly low prices of their goods.

The cry of "class legislation" has been raised. There is, of course, no discrimination involved, for all who can be reached by rural carriers will be accommodated. It would be as reasonable to decry the laws which permit the delivery of mail to patrons living on rural routes while persons differently situated are obliged to make a trip to a near-by post-office to obtain their letters.

With the adoption of new conveniences of life by urban residents and the ever-increasing attractions of the city, especially potent in their influence upon the younger generation, the importance of affording farmers and ruralites generally every legitimate advantage becomes more and more apparent. The free rural delivery has improved materially and intellectually the life of great numbers of these people. Is it too much to ask that the Department shall make a further use of this important system, a use which, while adding appreciably to the postal revenues, will directly and vitally benefit every man, woman, and child within reach of a rural route? The countryman would have the necessities of life delivered at his gate at an average cost of 2 cents a pound, thereby facilitating and increasing consumption. This would mean augmentation of the trade of thousands of country merchants. The commercial traveler should appreciate the advantages of this system. It would increase his orders because the country merchant buys from the jobber or the wholesaler. Every component part of our commercial system would feel the effects of an increased prosperity.

It would inevitably tend toward the improvement of the roads. Better roads and improved postal facilities in the rural districts would result in increased values of farm lands. The rural service as now organized has accomplished something in this direction. Its enlargement will add to the good attained.

Believe me, faithfully, yours,

G. V. L. MEYER.

HON. BOIES PENROSE,  
Chairman Committee on Post-Offices and Post-Roads,  
United States Senate.

#### PROPOSED FINANCIAL LEGISLATION.

Mr. NEWLANDS. I submit a resolution, which I ask to have inserted in the Record and then laid upon the table. I shall address the Senate at some future day upon the subject,

The resolution was ordered to be printed in the Record and to lie on the table, as follows:

*Resolved*, That the Finance Committee be instructed to report amendments to House bill No. 21871, as follows:

First. An amendment providing that three-fourths of the reserves in reserve city and country banks shall be kept in their vaults, the change to be made gradually within a period of five years, under the direction of the Comptroller of the Currency.

Second. An amendment providing that no bank shall make loans of its depositors' money to an amount exceeding five times its capital and surplus, the change to be made gradually within a period of five years, under the direction of the Comptroller of the Currency.

Third. An amendment permitting State commercial banks to become members of national clearing-house associations, provided they submit to the regulations of the national-bank act regarding their capital and reserves and subject themselves to examination under the national-bank act.

Fourth. An amendment providing a method by which clearing-house associations may avail themselves, under the direction of the Secretary of the Treasury, of the use of additional silver as a limited legal tender for debts not exceeding \$50, with a view to substituting such silver or the certificates representing it for full legal-tender money, gold, or United States notes, now in circulation and outside of bank reserves, in order to increase the amount of gold and full legal-tender notes in such reserves as a basis for bank credits, the amendment to limit the amount of such issue of silver.

Fifth. An amendment providing that the presidents of the clearing-house associations shall meet annually in Washington and shall select nine commissioners, one from each of the judicial circuits of the United States, who shall represent them at Washington as members of a banking commission, of which the Secretary of the Treasury and the Comptroller of the Currency shall be, respectively, the chairman and secretary; the duties of the commission to be advisory to the President, to the Secretary of the Treasury, and to Congress; and such commission to be charged with the duty of considering and recommending changes in the banking act and methods for promoting and improving interstate and international exchange.

Mr. NEWLANDS. I shall call up the resolution for discussion hereafter.

#### SALARIES OF CIRCUIT AND DISTRICT COURT JUDGES.

Mr. DEPEW. I move that 2,000 copies of Senate bill 6973, increasing the salaries of the circuit and district court judges of the United States, be printed for the use of the Senate document room.

The motion was agreed to.

#### PROTECTION OF OWNERS OF PATENTS.

The VICE-PRESIDENT. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 7653) to amend section 4919 of the Revised Statutes of the United States, to provide additional protection for owners of patents of the United States, and for other purposes, was read the first time by its title.

Mr. KNOX. I ask that the bill be read at length.

The bill was read the second time at length, as follows:

*Be it enacted, etc.*, That section 4919 of the Revised Statutes of the United States be, and is hereby, amended by adding thereto the following:

"And whenever an invention described in and covered by a patent of the United States shall hereafter be used by the United States, without license of the owner thereof, such owner may recover reasonable compensation for such use by suit in the Court of Claims: *Provided, however*, That in any such suit the United States may avail itself of any and all defenses, general or special, which might be pleaded by a defendant in an action for infringement, as set forth in Title LX of the Revised Statutes, or otherwise."

Mr. KNOX. I ask for the present consideration of the bill. A similar bill passed the Senate at the last session. I reported it from the Committee on Patents. It has passed the House in the exact form in which the Senate passed it at the last session.

The object of the bill is to give the owners of letters patent in the United States the right to recover reasonable compensation when their patents are used by the United States without their consent or authority. Strangely enough, under the law, although a patent is property, and has so been determined by the Supreme Court of the United States, and is property which can not be taken by an individual under the fifth amendment without compensation, yet the Supreme Court has held that if the United States uses a patent without the license or authority of the patentee no action can be maintained against the United States unless it has agreed to pay for the use. It is to remedy that inequity that the bill has been introduced. I may state that it is wholly prospective in its operation. It has no reference at all to any use the Government may have made of a patent in the past.

Mr. OVERMAN. I understand that it has no retroactive effect.

Mr. KNOX. It has no retroactive effect.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time and passed.

## HOUSE BILLS REFERRED.

H. R. 421. An act to pay allottees the amount paid into the Treasury of the United States on account of the sale, cutting, or removal of timber from, or damages to, lands allotted to them, and to appropriate money for the payment thereof was read twice by its title and referred to the Committee on Indian Affairs.

H. R. 21410. An act granting condemned ordnance to certain institutions was read twice by its title, and referred to the Committee on Military Affairs.

## CONSIDERATION OF THE CALENDAR.

Mr. HALE. I ask unanimous consent that the Senate proceed to the consideration of unobjected cases on the Calendar under Rule VIII.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the Senate proceed to the consideration of unobjected bills upon the Calendar under Rule VIII. Is there objection?

Mr. PAYNTER. I should like to make an inquiry. If this order is made and an objection is made to the consideration of a bill when it is reached on the Calendar, can the Senate order that it be taken up for consideration, notwithstanding the objection?

Mr. HALE. Not under the agreement I propose.

Mr. PAYNTER. I object, then, if that is the proposition.

Mr. HALE. If I may make a suggestion, the Senator is objecting to a thing that will be for the convenience of more than half of the Senate.

Mr. PAYNTER. I withdraw my objection.

The VICE-PRESIDENT. The objection is withdrawn.

Mr. CARTER. Mr. President, I do not wish to have the unanimous-consent agreement foreclose the right to make a motion to take up a bill during the consideration of unobjected cases.

Mr. HALE. If that is to be resorted to there is no object in making the agreement. The proposition is to pass bills to which there is no objection. I suppose that more than fifty Senators are interested in such bills. The object of my suggestion is to avoid proceeding by motion to take up a bill, because under those circumstances my suggestion would have no force.

If Senators object to this arrangement, then nothing will be done on the Calendar except to consume the time with one or two cases. I am proposing to do what has always been done toward the close of a session, to relieve Senators who have bills upon the Calendar to which there is no objection.

Therefore my proposition is that the Senate shall proceed by unanimous consent to the consideration of unobjected cases under Rule VIII. If any Senator can stop that by moving to proceed to the consideration of a bill, we may consume the time on one or two cases on the Calendar. Otherwise, Mr. President, in an hour we will pass fifty cases to which nobody has any objection. Any Senator is left entirely free to object to any bill that is reached, and it must go over.

Mr. CARTER. I suggest to the Senator to limit the time until 2 o'clock, then.

Mr. HALE. I did not fix any time because I was entirely willing to leave that to the discretion of the Senate. The Senate can at any time take up any other business.

Mr. TELLER. Mr. President, I rise to a question of order.

The VICE-PRESIDENT. The Senator from Colorado will state his question of order.

Mr. TELLER. Rule VIII provides that—

At the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the Calendar of Bills and Resolutions, and continue such consideration until 2 o'clock; and bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for five minutes only upon any question—

And so forth.

I understand that that business comes up in a regular way, and it does not need any motion or any agreement.

Mr. HALE. Except that under the rule any Senator, when an objection is made to a bill that is reached on the Calendar, may move to proceed to its consideration.

Mr. TELLER. Certainly.

Mr. HALE. Then the whole time may be taken up with that bill. My proposition is to avoid that very thing by considering only unobjected cases on the Calendar under Rule VIII, and that the moment a case is objected to it retains its place on the Calendar.

Mr. TELLER. I did not understand that that was the Senator's suggestion.

Mr. HALE. That is my object.

Mr. CARTER. Mr. President, I shall have no objection to fixing any reasonable time during the day for the consideration

of unobjected cases, but I do not wish to be understood as consenting to a unanimous-consent agreement which will deprive any Senator of the privilege he otherwise would enjoy of moving to proceed to the consideration of any measure.

Mr. HALE. My proposition does not affect anything that occurs afterwards. I will ask that we proceed for one hour, and in that time we will pass any number of bills.

Mr. McLAURIN. Say, 2 o'clock.

Mr. PAYNTER. I suggest until 2 o'clock.

Mr. HALE. Very well, I will say until 2 o'clock.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the Senate proceed until the hour of 2 o'clock with the consideration of unobjected bills on the Calendar under Rule VIII. Is there objection? The Chair hears none, and it is so ordered. The first bill on the Calendar will be stated.

## OMNIBUS CLAIMS BILL.

The bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker acts, was announced as first in order on the Calendar.

Mr. KEAN. That will have to go over.

The VICE-PRESIDENT. The bill will go over at the request of the Senator from New Jersey.

## NATIONAL FORESTS.

The bill (S. 4825) for acquiring national forests in the Southern Appalachian Mountains and White Mountains was announced as next in order.

Mr. TELLER. Let that go over.

The VICE-PRESIDENT. Objection is made, and the bill goes over at the request of the Senator from Colorado.

## JAMES W. KINGON.

The bill (S. 1577) for the relief of Sergt. James W. Kingon was considered as in Committee of the Whole. It requires the accounting officers of the Treasury Department, notwithstanding the proceedings, findings, and sentence of the general court-martial convened pursuant to Special Orders, No. 118, extract, June 28, 1865, issued by command of Brevet Brig. Gen. E. Opdyke, headquarters Second Division, Fourth Army Corps, and the approval thereof by Brevet Brig. Gen. Joseph Conrad, commanding Second Division Central District of Texas, August 26, 1865, to audit and pay to Sergt. James W. Kingon, Company H, Forty-second Regiment Illinois Veteran Volunteer Infantry, the amount of all pay, compensation, and allowances withheld from him by reason of said proceedings, findings, and sentence of said court-martial and the said approval thereof, as fully and completely as if such proceedings, findings, and sentence had never been had or made.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## RUFUS NEAL.

The bill (S. 6161) for the relief of Rufus Neal was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 6, before the word "dollars," to strike out "two thousand three hundred and seventy-nine" and insert "one thousand seven hundred and fifty," so as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Rufus Neal, of Marion County, Ind., out of any money in the Treasury not otherwise appropriated, the sum of \$1,750, as full compensation for the extra services performed by said Neal in the Engineer Department of the United States Army, as a sawyer and engineer at Nashville, Tenn., during the civil war.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## MOUNT VERNON AVENUE ASSOCIATION.

The bill (S. 5252) to provide for the building of a public avenue on the south side of the Potomac River from the city of Washington to Mount Vernon was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the treasurer of the Mount Vernon Avenue Association, a corporation chartered and existing under the laws of the State of Virginia, the said Mount Vernon Avenue Association being the assignee of the State of Virginia under the provisions of a joint resolution of the general assembly of the said State of Virginia, approved on



the 5th day of March, 1888, the sum of \$120,000, being the sum advanced by the State of Virginia to the United States under the provisions of an act passed by the general assembly of the State of Virginia on the 27th day of December, 1790, to be used toward erecting public buildings in the District of Columbia for the use of the Federal Government. And the payment of the said sum of \$120,000 to the treasurer of the Mount Vernon Avenue Association shall be in full satisfaction and payment of any and all debts, claims, or demands on the part of the State of Virginia or of her assignee, the Mount Vernon Avenue Association aforesaid, growing out of any money or moneys advanced, loaned, or paid out to the United States by the State of Virginia by virtue of the provisions of the said act passed by the general assembly of Virginia on the 27th day of December, 1790, or under the provisions of any other law, State or national, for the purpose of aiding in the erection of public buildings for the Federal Government in the District of Columbia.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the State of Maryland, the sum of \$72,000, being the sum advanced by the State of Maryland to the United States under the provisions of a joint resolution passed by the general assembly of the State of Maryland on the 19th day of December, 1791, to be used toward erecting public buildings in the District of Columbia for the use of the Federal Government. And the payment of the said sum of \$72,000 to the State of Maryland shall be in full satisfaction and payment of any and all debts, claims, or demands on the part of the State of Maryland growing out of any money or moneys advanced, loaned, or paid out to the United States by the State of Maryland by virtue of the provisions of the said joint resolution passed by the general assembly of Maryland on the 19th day of December, 1791, or under the provisions of any other law, State or national, for the purposes of aiding in the erection of public buildings for the Federal Government in the District of Columbia.

SEC. 3. That this act shall be in force from the date of its passage.

Mr. BURKETT. Mr. President, from the reading of the bill as I caught it, it is a bill for the construction of streets over in Virginia. I think we really ought to have some explanation of it. I do not know that I have any objection to it, but I simply want some explanation of what the bill contemplates. I think it had better go over.

The VICE-PRESIDENT. The bill will go over at the request of the Senator from Nebraska.

Mr. DANIEL. I trust the Senator will not object to the consideration of the bill. I think when he understands the bill he will have no objection to it.

Mr. BURKETT. I withdraw my objection, Mr. President.

The VICE-PRESIDENT. The objection is withdrawn. The question is on agreeing to the amendment to the bill reported by the committee, which has been stated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the payment of certain moneys advanced by the States of Virginia and Maryland to the United States Government to be applied toward erecting public buildings for the Federal Government in the District of Columbia."

#### REORGANIZATION OF NORTHERN PACIFIC RAILROAD COMPANY.

The next business on the Calendar was the joint resolution (S. R. 93) relating to the reorganization of the Northern Pacific Railroad Company.

Mr. KEAN. Let that go over, Mr. President.

The VICE-PRESIDENT. The joint resolution will go over without prejudice at the request of the Senator from New Jersey.

#### SALES OF INTOXICANTS ON GOVERNMENT PREMISES.

The bill (S. 915) to prevent the sale of intoxicating liquors in buildings, ships, navy-yards, and parks and other premises owned or used by the United States Government was announced as next in order.

Mr. CARTER. Let that bill go over, Mr. President.

The VICE-PRESIDENT. At the request of the Senator from Montana, the bill will go over without prejudice.

#### PUBLIC BUILDING AT HINTON, W. VA.

The bill (S. 157) providing for the erection of a public building in the city of Hinton, W. Va., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, at the top of page 2, to strike out:

SEC. 2. That the plans, specifications, and full estimate for said building shall be made and approved according to law before work thereon shall be commenced. Until this is done none of the money so appropriated shall be used.

SEC. 3. That the building shall contain such fireproof vaults as may be necessary to protect from destruction by fire the funds and post-office, court, and other records, and it shall also be provided with proper heating and ventilating apparatus.

And in lieu thereof to insert:

The building to be erected shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected upon the site already selected and purchased by him in the city of Hinton, W. Va., a building to be used as and for a post-office building, as a place for holding United States courts, and for other purposes of the Federal Government at the said city of Hinton, W. Va., which said building shall cost, complete, not to exceed the sum of \$50,000.

The building to be erected shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### PUBLIC BUILDING AT PLATTSMOUTH, NEBR.

The bill (S. 1933) to provide for the erection of a public building at the city of Plattsmouth, Nebr., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 2, after the words "sum of," to strike out "seventy-five" and insert "fifty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to erect a substantial and commodious building, with fireproof vaults and suitable fixtures, for the use and accommodation of the United States post-office and other Government offices in the city of Plattsmouth, State of Nebraska. The building, when completed upon the plans and specifications to be made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of \$75,000. No plan of said building shall be approved by the Secretary of the Treasury if the same involve an expenditure exceeding the sum of \$50,000 for building.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### ANNA JOHNSON.

The bill (H. R. 16770) granting land to Anna Johnson was considered as in Committee of the Whole. It directs the Secretary of the Interior to issue to Anna Johnson, wife of Ging Sing, alias Jim Johnson, a patent to the following-described land, to wit: The southwest quarter of section 29, in township 13 south, of range 25 east of the New Mexico principal meridian.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### PATENTS FOR LANDS IN IDAHO.

The bill (H. R. 17005) authorizing the Secretary of the Interior to issue patents in fee to the Board of Missions of the Protestant Episcopal Church for certain lands in the State of Idaho was considered as in Committee of the Whole. It directs the Secretary of the Interior to issue patents in fee to the Board of Missions of the Protestant Episcopal Church of the United States for the following described lands: The southeast quarter of section 36, township 4 south, range 34 east, of Boise meridian, containing 160 acres; but the patent shall not issue until the Indians of the said reservation shall have given their consent to the grant through their business committee or council in such manner as the Secretary of the Interior shall provide.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### COURT AT JACKSON, KY.

The bill (H. R. 14382) to establish a United States court at Jackson, in the eastern district of Kentucky, was announced as next in order.

Mr. McCREARY. Let that bill go over, Mr. President.

The VICE-PRESIDENT. The bill will go over at the request of the Senator from Kentucky.

#### FUGITIVES FROM JUSTICE.

The bill (S. 2487) to amend section 5278 of the Revised Statutes was announced as next in order.

Mr. OWEN. Let that bill go over, Mr. President.

The VICE-PRESIDENT. The bill will go over at the request of the Senator from Oklahoma.

Mr. PILES. Mr. President, I hope the Senator from Oklahoma will not object to that bill. I am sure he does not understand it or he would not object to it. The only proposed change to be made by the bill in existing law is to allow extradition on an information. A great many of the States prosecute altogether by information. The circuit court of appeals has held that a man can not be extradited from one State to another on an information filed against him. This is merely to amend the law so that criminals may be brought to justice in States where they violate the laws of those States. I am sure

the Senator from Oklahoma, when he understands this bill, can not have any objection to it.

The VICE-PRESIDENT. Does the Senator from Oklahoma insist upon his objection?

Mr. OWEN. I insist upon my objection, Mr. President.

The VICE-PRESIDENT. The bill will go over without prejudice.

Mr. OWEN subsequently said: Mr. President, I should like to withdraw my objection to Senate bill 2487.

The VICE-PRESIDENT. The Senator from Oklahoma withdraws his objection to the bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 5278 of the Revised Statutes so as to read as follows:

SEC. 5278. Whenever the executive authority of any State or Territory demands any person, as a fugitive from justice, of the executive authority of any State or Territory to which such person has fled, and produces a copy of an indictment found, an information duly filed, or an affidavit made before a magistrate of any State or Territory, charging the person demanded with having committed treason, felony, or other crime, certified as authentic by the governor or chief magistrate of the State or Territory from whence the person so charged has fled, it shall be the duty of the executive authority of the State or Territory to which such person has fled to cause him to be arrested and secured and to cause notice of the arrest to be given to the executive authority making such demand, or to the agent of such authority appointed to receive the fugitive, and to cause the fugitive to be delivered to such agent when he shall appear. If no such agent appears within six months from the time of the arrest, the prisoner may be discharged. All costs or expenses incurred in the apprehending, securing, and transmitting such fugitive to the State or Territory making such demand shall be paid by such State or Territory.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### INTERSTATE-COMMERCE SHIPMENTS OF INTOXICATING LIQUORS.

The bill (S. 6576) to regulate the interstate-commerce shipments of intoxicating liquors was announced as next in order.

Mr. ALDRICH. Let that bill go over, Mr. President.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Rhode Island.

Mr. BACON. Mr. President, I desire to offer a substitute for that bill.

Mr. FRYE. The bill has gone over.

The VICE-PRESIDENT. The bill has gone over at the request of the Senator from Rhode Island [Mr. ALDRICH].

#### DISPOSITION OF TOWN SITES.

The bill (S. 6018) providing for the disposition of town sites in connection with reclamation projects, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that bill go over, Mr. President.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from New Hampshire.

#### RESURVEY OF PUBLIC LANDS IN NEBRASKA.

The bill (H. R. 13577) providing for the resurvey of certain public lands in the State of Nebraska was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to cause to be made a resurvey of the lands in township 25 north, range 15; township 26 north, range 31; township 34 north, range 32; and township 24 north, range 46, all west of the sixth principal meridian, in the State of Nebraska; and abrogates all rules and regulations of the Interior Department requiring petitions from all settlers asking for a resurvey and agreement to abide by the result of the same, so far as these lands are concerned, but nothing herein contained shall be so construed as to impair the present bona fide claim of any actual occupant of said lands so occupied, and before any survey is ordered it shall be made to appear to the Secretary of the Interior that the former official survey of the lands is so inaccurate or obliterated as to make it necessary to survey the land, and only such parts of the land where the survey is so inaccurate or obliterated shall be surveyed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### POSTAL SAVINGS BANKS.

The bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes, was announced as next in order.

Mr. TELLER. Let that bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice at the request of the Senator from Colorado.

#### ESTATE OF JULIUS JACOBS.

The bill (S. 5788) for the relief of the estate of Julius Jacobs was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay \$2,000 to the estate of the late Julius Jacobs, being the amount of money paid by such

estate to the Treasurer of the United States in satisfaction of the loss of an equal sum taken by parties unknown from the vaults of the subtreasury of the United States in the city of San Francisco, Cal., while the same was under guard of United States troops during and after the fire which followed the earthquake of April 18, 1906.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### TRANSFER OF STATUE OF PRESIDENT WASHINGTON.

The joint resolution (H. J. Res. 124) authorizing the presentation of the statue of President Washington, now located in the Capitol grounds, to the Smithsonian Institution, was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on the Library, with an amendment, in line 5, after the word "hereby," to strike out "presented to" and to insert "transferred to the custody of," so as to make the joint resolution read:

*Resolved, etc.,* That the statue of President Washington, now located in the Capitol grounds east of the Capitol, be, and the same is hereby, transferred to the custody of the Smithsonian Institution.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

The title was amended so as to read: "Joint resolution authorizing the transfer of the statue of President Washington, now located in the Capitol grounds, to the Smithsonian Institution."

Mr. KEAN. I ask that the report accompanying that joint resolution be printed in the RECORD.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

The report referred to is as follows:

Mr. WETMORE, from the Committee on the Library, submitted the following report, to accompany H. J. Res. 124:

The Committee on the Library, to whom was referred the House joint resolution (H. J. Res. 124) authorizing the presentation of the statue of President Washington, now located in the Capitol grounds, to the Smithsonian Institution, have had the same under consideration and report it back with the following amendments:

In line 5 strike out the words "presented to," and insert in lieu thereof the words "transferred to the custody of."

Amend the title by striking out the word "presentation" and inserting in lieu thereof the word "transfer."

In reporting the joint resolution to the House of Representatives the Committee on the Library say:

"The statue of Washington referred to by the resolution was authorized by act of Congress July 14, 1832, and it was designed to be placed in the center of the Rotunda of the Capitol. Subsequently it was ordered removed to the east of the Capitol.

"The statue is the work of Horatio Greenough, a sculptor of eminence in his time. It was not designed for an outdoor work, and in its present location the semineude figure of Washington excites pity rather than admiration.

"The committee are informed that the Regents of the Smithsonian Institution desire to have the statue and that they will give it a suitable location."

At the request of the Superintendent of the Capitol Building and Grounds several sculptors and workers in marble have examined the Washington statue, and all agree that the soft Italian marble from which it is cut can not withstand the action of the elements in this latitude.

The following letter gives the views of Dr. Charles D. Walcott, Secretary of the Smithsonian Institution, as to the transfer:

SMITHSONIAN INSTITUTION,  
Washington, D. C., March 12, 1908.

DEAR MR. MANN: In response to your request, I have recently made a thorough examination of the Greenough statue of Washington, which is located on the plaza east of the Capitol. The statue is being injured by weathering, owing to the softness of the marble, and it should be protected, both as an object of historical interest and of art.

If the statue is transferred to the custody of the Smithsonian Institution, I will endeavor, with the approval of the Regents of the Institution, to provide a suitable place for it.

As the present granite base is inappropriate, provision should be made for a marble base in keeping with the statue, and also for the cost of moving and properly resetting the statue.

Very truly, yours,

CHAS. D. WALCOTT, Secretary.

HON. JAMES R. MANN,

United States House of Representatives.

Regent of the Smithsonian Institution, Washington, D. C.

As amended the joint resolution will read:

"Joint resolution authorizing the transfer of the statue of President Washington, now located in the Capitol grounds, to the Smithsonian Institution.

*Resolved, etc.,* That the statue of President Washington, now located in the Capitol grounds east of the Capitol, be, and the same is hereby, transferred to the custody of the Smithsonian Institution."

#### PROBATION AND PAROLE SYSTEM FOR THE DISTRICT.

The bill (S. 6242) for the establishment of a probation and parole system for the District of Columbia, was announced as next in order.



Mr. BORAH. I ask that that bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice at the request of the Senator from Idaho.

Mr. HEYBURN subsequently said: Mr. President, I am advised that the objection to the bill (S. 6242) for the establishment of a probation and parole system for the District of Columbia is withdrawn. I ask that that bill may be recurred to. It is a matter of local interest and affects the schools.

Mr. BORAH. Mr. President, I withdraw my objection previously made to that bill.

The VICE-PRESIDENT. The Senator from Idaho withdraws his objection to the consideration of the bill.

Mr. NELSON. I should like to have the bill read.

The VICE-PRESIDENT. The bill is before the Senate as in Committee of the Whole. It was reported from the Committee on the District of Columbia with an amendment in the nature of a substitute, which will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That a commission is hereby constituted to be known as the "probation commission" which shall consist ex officio of the justices of the supreme court of the District of Columbia for the time being holding the criminal court, the judges of the police court, the judge of the juvenile court, as well as of two bona fide residents of the District of Columbia who have resided there for at least five years immediately preceding their appointment, to be appointed by the Commissioners of the District of Columbia for a term of three years or until the appointment of their successors; except that the first appointment shall be one for a term of two years and one for a term of three years, and all vacancies in said appointments, except by the expiration of the term of appointment, shall be filled for the unexpired term only.

Sec. 2. That said probation commission shall serve without compensation except as hereinafter provided.

Sec. 3. That it shall be the duty of said commission to supervise and direct the enforcement of this act and all other laws relating to the subject of probation and parole in the District of Columbia; and they shall have power to make and enforce suitable rules and regulations for carrying them into effect, and may suspend or discharge any officers or agents appointed by them whenever, in their judgment, it may be expedient to do so. It shall make and preserve a record of its investigations and official acts and shall render an annual report to the Commissioners of the District of Columbia showing the work done by them.

Sec. 4. That said commission shall annually elect a chairman and secretary from its members and may fix a salary for the secretary not to exceed \$100 per annum. It may also appoint a chief probation guardian at a salary of \$1,800 per annum, and three probation guardians, one of whom shall be a woman, at a salary of \$1,200 per annum each, and three assistant probation guardians, one of whom shall be a woman, at a salary of \$900 per annum each, and a clerk at a salary of \$720.

Sec. 5. That volunteer probation guardians, either male or female, may be appointed by said commission, who shall serve without compensation and shall have such powers and perform such duties as may be assigned to them by said commission or chief probation guardian.

Sec. 6. That the Commissioners of the District of Columbia shall provide such office accommodations, furniture, appliances, stationery, postage stamps, and the amount necessary to cover all other incidental expenses, including books and books of reference, as may be necessary and proper for the prosecution of the work intrusted to said commission, and for the car fare and traveling expenses of either of said probation guardians when on official business.

Sec. 7. That the chief probation guardian shall have general charge, under the directions of the probation commission, of all the details of the probation and parole work and be held responsible by the commission for the proper performance by the probation guardians and their assistants of the duties intrusted to them. It shall be the duty of probation guardians to attend the sessions of the court to which they may from time to time be assigned by the probation commission or the chief probation guardian. And they and the assistant probation guardians shall perform such duties as may be required of them by the chief probation guardian, the orders and regulations of the probation commission, or by the several courts.

Sec. 8. That the supreme court of the District of Columbia, the police courts of the District of Columbia, and the juvenile court of the District of Columbia shall have power in any case, except those involving treason, murder, rape, arson, or kidnapping, after conviction or the entry of a plea of guilty to a felony or misdemeanor and the imposition of a sentence thereon, either of a fine or imprisonment, or both, to place the defendant or defendants upon probation, when it shall appear to the satisfaction of the court that the ends of justice and the best interests of the District will be subserved thereby, and may suspend the execution of the sentence for such time and upon such terms as in its discretion may seem best, and place the person or persons under the charge and supervision of the probation commission during such suspension. Every person placed on probation shall observe all rules prescribed for his conduct by the court or by the probation commission, and report to the commission or guardians as directed. He shall be furnished by the clerk of the court with a written statement of the terms and conditions of his probation at the time when he is placed thereunder.

Sec. 9. That it shall be the duty of the chief probation guardian from time to time to visit the jail and workhouse and all the reformatory institutions in the District of Columbia as well as the penal institutions to which United States prisoners from the District of Columbia are sent, for the purpose of ascertaining the character and habits of the prisoners thus committed to those institutions from said District and whenever it shall seem to him that a prisoner or inmate, excepting when convicted of treason, murder, rape, arson, or kidnapping, has so reformed that he will become a good citizen and may with propriety and safety to the community and with benefit to himself be released from custody upon parole, he shall certify that fact to the probation commission; the probation commission shall carefully investigate all cases presented to it either by the chief probation guardian or by any other person or by the prisoner himself, and if it is satisfied that the prisoner ought to be released on parole it shall recommend such parole to the court which imposed the sentence. If after consideration of said recommendation and the investigation by

the court of the prisoner's record, and after conference with the prosecuting officer, and in United States cases obtaining the consent of the Attorney-General, the court shall be satisfied that the interests of the community and the good of the prisoner or such inmate would be best promoted by releasing him upon parole the court may pass the necessary order upon such terms and conditions as it may prescribe, and if such person shall at any time thereafter be convicted of any crime or misdemeanor, he may be recommitted by the court to serve the remainder of his original sentence not served at the time of his parole in addition to the sentence imposed for such subsequent offense. And for the purposes of this act the court shall have control of the sentence during the entire time covered by it, wherever the prisoner may be confined, but no persons shall be put on probation or parole except with his own consent.

Sec. 10. That upon the termination of the term fixed for such probation or parole, the probation guardian shall report that fact to the court, with a statement of the conduct of the person while on probation or parole, and the court may thereupon discharge the person on probation or parole from further supervision, or it may extend the probation or parole term, as it shall seem proper to the court. At any time during the probationary or parole term the court by which the person was released may, in its discretion, revoke and terminate such probation or parole or modify the terms and conditions thereof; and whenever the ends of justice shall be best subserved thereby, may terminate the period of probation or parole and discharge the prisoner so held from serving out the unexpired sentence. If the order of probation or parole shall be revoked and terminated by the court prior to the expiration of the term of probation or parole, the court shall cause the rearrest of the person on probation or parole and require him to serve the sentence as originally imposed, and the time of probation or parole shall not be taken into account to diminish the time for which he was originally sentenced; but he shall serve the full sentence not theretofore served, without taking into account the time he was out on probation or parole.

Sec. 11. That as used in this act the term "probation" shall mean the state of a person the execution of whose sentence has been suspended, and "parole" shall mean the release of a person from further serving a sentence imposed.

Sec. 12. That the following sums named, respectively, for the service of the fiscal year ending June 30, 1909, are hereby appropriated, one half out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia, to be disbursed by the disbursing officer of the District of Columbia on vouchers audited and approved by the auditor of the said District, pursuant to existing law: Chief probation guardian, \$1,000; three probation guardians, at \$1,200 each; three assistant probation guardians, at \$900 each; one clerk, at \$720; compensation of secretary to the commission not to exceed \$100; rent of offices, \$1,000; furniture and equipment of office, \$500; contingent expenses, including postage, traveling expenses, purchase of law books, books of reference, and periodicals, supplies, and all other necessary incidental items, \$1,500, amounting in all to \$11,920.

Sec. 13. That all acts and parts of acts inconsistent with this act are hereby repealed.

Mr. BACON. Mr. President, I should like to ask the Senator in charge of the bill—I could not catch it from the reading very clearly—if there is any discretionary power vested in the court? I notice that it is said, "upon such terms and conditions as the court may prescribe." Is it the intention that the court shall be vested really with a discretion as to whether or not the recommendations shall be carried out?

Mr. HEYBURN. Yes; the court is vested with a discretion, but this is only intended to deal with that class of cases that result in filling up the institutions with people who are merely nominally guilty. It leaves to the court the power and duty of assorting them out and determining whether or not such people are criminals and whether they are such people as had better be out and living at their own expense.

Mr. BACON. I gathered as much, but I did not know from the reading how far the judge could control it. Is the power given to the judge in whose court the party was convicted?

Mr. HEYBURN. I suggest that the section in reference to that be again read. It is near the end of the bill.

Mr. DILLINGHAM. It is section 8.

The VICE-PRESIDENT. The Secretary will read section 8 as requested.

The Secretary proceeded to read section 8, and read as follows:

Sec. 8. That the supreme court of the District of Columbia, the police courts of the District of Columbia, and the juvenile court of the District of Columbia shall have power in any case, except those involving treason, murder, rape, arson, or kidnapping, after conviction or the entry of a plea of guilty to a felony or misdemeanor and the imposition of a sentence thereon, either of a fine or imprisonment or both, to place the defendant or defendants upon probation, when it shall appear to the satisfaction of the court that the ends of justice and the best interests of the District will be subserved thereby.

Mr. BACON. I will not ask for the further reading of the section. That explains the matter.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### EXECUTORS OF HAROLD BROWN.

The bill (S. 5905) for the relief of the executors of the estate of Harold Brown, deceased, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to

the executors of the estate of Harold Brown, late a citizen of Newport, in the State of Rhode Island, \$861.75, being an excess of taxes improperly levied and collected on legacies and distributive shares of the personal property of the estate, which tax was paid by the executors on October 20, 1900, the payment to be in full for all claims by reason of such assessment and collection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PAUL BUTLER.

The bill (S. 5997) for the relief of Paul Butler was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Paul Butler \$3,936.72, in full compensation for the use by the United States from March 31, 1874, to April 30, 1880, of certain patented improvements in hook attachments for firearms to the number of 49,209, at the value of 8 cents each, as found by the Court of Claims in the case of Butler against The United States, 23 Court of Claims, page 335.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### REFUND OF EXCESS DUTIES.

The bill (S. 3808) to refund certain excess duties paid upon importations of absinthe and kirschwasser from Switzerland between June 1, 1898, and December 5, 1898, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to refund to Messrs. Luyties Brothers, of New York, \$3,830.50, for certain excess duties paid upon importations of absinthe and kirschwasser from Switzerland between June 1, 1898, and December 5, 1898.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MODELS OF WAR VESSELS IN STATE CAPITOL BUILDINGS.

The bill (S. 142) providing for the deposit of a model of any vessel of war of the United States Navy, bearing the name of a State of the United States, in the capitol building of said State was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with an amendment, on page 1, line 10, after the word "view," to insert "no model to cost in excess of \$3,500," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Navy be, and he is hereby, authorized and directed to cause to be constructed a fully completed model of each vessel of war of the Navy of the United States which now has or may hereafter be given the name borne by any State of the United States, said model to be deposited in the capitol building of said State, and in every case said model shall be placed in a prominent position, convenient to public view, no model to cost in excess of \$3,500: *Provided,* That such model shall not cease to be, when so deposited, the property of the Government of the United States, but shall be at all times subject to the authority and direction of the Secretary of the Navy.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### GLACIER NATIONAL PARK, MONTANA.

The bill (S. 5648) to establish the Glacier National Park west of the summit of the Rocky Mountains and south of the international boundary line in Montana, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments. The first amendment was, on page 1, section 1, line 8, after the words "to wit," to strike out:

Commencing at a point on the international boundary line between the United States and the Dominion of Canada at the closing corner for sections 4 and 5 in township 37 north, range 21 west, Montana principal meridian, Montana; thence following the lines of public land surveys between surveyed and unsurveyed lands, at this date, southerly to the quarter section corner on the east section line of section 10 of township 33 north, range 19 west; thence southerly following the surveyed and unsurveyed section lines to the eighth standard parallel north; thence offset on said parallel to the closing corner for sections 3 and 4, township 32 north, range 19 west; thence south to the meander corner between sections 33 and 34 on the north bank of the Middle Fork of Flathead River; thence following the north bank of said stream.

And in lieu thereof to insert:

Commencing at a point on the international boundary between the United States and the Dominion of Canada at the middle of the Flathead River; thence following southerly along and with the middle of the Flathead River to its confluence with the Middle Fork of the Flathead River; thence following the north bank of said Middle Fork of the Flathead River.

So as to make the section read:

That there is hereby withdrawn from all forms of location, appropriation, entry, settlement, or sale, except as provided in this act, all

of the public lands of the United States within the limits of that certain area in the State of Montana particularly described by metes and bounds as follows, to wit: Commencing at a point on the international boundary between the United States and the Dominion of Canada at the middle of the Flathead River; thence following southerly along and with the middle of the Flathead River to its confluence with the Middle Fork of the Flathead River; thence following the north bank of said Middle Fork of the Flathead River to where it is crossed by the north boundary of the right of way of the Great Northern Railroad; thence following the said right of way to where it intersects the west boundary of the Blackfoot Indian Reservation; thence northerly along said west boundary to its intersection with the international boundary; thence along said international boundary to the place of beginning: *Provided,* That all surveyed lands within the limits of said tract are excluded therefrom, together with any valid mining location existing on the 1st day of January, 1908, and any settler on such excluded surveyed land and the owner or locator of any such valid mining claim shall have and enjoy the right of ingress and egress as to such claim or location. The area described as aforesaid is hereby dedicated to use forever as a public park and pleasure ground for the benefit and enjoyment of the people of the United States, and the said area shall henceforth be called "The Glacier National Park."

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

Mr. MONEY. Mr. President, before that amendment is agreed to I wish to ask some one who is responsible for the bill what is the area embraced in this reservation.

Mr. NELSON. The junior Senator from Montana [Mr. Dixon] reported the bill.

Mr. MONEY. I should like to have some Senator give me the information.

Mr. DIXON. I will say to the Senator from Mississippi that the bill proposes to include about 1,000,000 acres upon the crest, or the backbone, of the Rocky Mountains next to the Canadian border. It embraces within its area the few remnants of glaciers of the old glacial period. The Geological Survey and everyone, I think, having anything to do with the matter are unanimous in favor of the bill.

Mr. MONEY. That is sufficient, Mr. President. I only wanted to know that there is no land subject to settlement to be included within the limits of the reservation.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The next amendment of the Committee on Public Lands was, on page 3, section 2, line 25, after the word "dead," to insert the word "or;" in the same line, after the word "down," to strike out "or decaying;" on page 4, beginning in line 1, to strike out "by actual settlers in the adjacent county within the United States;" and, on line 12, after the word "power," to insert the following proviso:

*And provided further,* That the Secretary of the Interior is hereby authorized to grant a right of way for the construction of railroads under the provisions of the acts of Congress authorizing and permitting the construction of railroads over and across the public lands within the limits of forest reservations to any person or corporation who may desire to construct such railroads along the said Flathead River or any of its tributaries within the boundaries of said Glacier National Park.

So as to make the section read:

SEC. 2. That the Glacier National Park shall be in the custody and under the exclusive control of the Secretary of Agriculture, and said Secretary is hereby authorized and empowered to make and promulgate, and in his discretion, from time to time, to amend or revoke such rules and regulations as he may deem necessary to protect fish and game and to preserve the park in a state of nature as far as consistent with the purposes of this act. Said Secretary may, in his discretion, execute leases to parcels of ground not exceeding 10 acres in extent at any one place to any one person or company and for not to exceed twenty years, when such ground is necessary for the erection of buildings for the accommodation of visitors; and he may also sell and permit the removal of dead or down timber; and persons now having summer homes or cottages erected, or persons whom he may hereafter authorize to erect summer homes or cottages within the limits of said park shall be permitted to use and enjoy the same with not to exceed one acre of land on which the buildings are or may be located, in each case, subject to this act and such rules and regulations as the Secretary may prescribe: *Provided,* That the use of water for the generation of power may be permitted for not exceeding fifty years, subject to the right of said Secretary to regulate charges for the use of such power: *And provided further,* That the Secretary of the Interior is hereby authorized to grant a right of way for the construction of railroads under the provisions of the acts of Congress authorizing and permitting the construction of railroads over and across the public lands within the limits of forest reservations to any person or corporation who may desire to construct such railroads along the said Flathead River or any of its tributaries within the boundaries of said Glacier National Park.

The amendment was agreed to.

Mr. TELLER. I think that bill had better go over, Mr. President.

The VICE-PRESIDENT. The bill will go over at the request of the Senator from Colorado.

Mr. TELLER subsequently said: Mr. President, a few moments ago I objected to the consideration of Senate bill 5648 establishing the Glacier National Park in Montana, and so forth. I desire to withdraw my objection to that bill. I am not in favor of creating additional parks, but I am told that this bill is properly guarded, and I will withdraw my objection to it.



The VICE-PRESIDENT. The Senator from Colorado withdraws his objection.

The Senate as in Committee of the Whole resumed the consideration of the bill (S. 5048) to establish the Glacier National Park west of the summit of the Rocky Mountains and south of the international boundary line in Montana, and for other purposes.

Mr. CARTER. Mr. President, recurring to the bill, I desire to offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 4, line 12, before the amendment already agreed to, it is proposed to insert:

*Provided*, That the Secretary of the Interior may utilize such lands, bodies of waters, and streams in said park as he may deem necessary in connection with the operations under the reclamation act of June 17, 1902.

The amendment was agreed to.

Mr. HEYBURN. I should like to hear from the Senator from Montana in reference to this bill.

Mr. CARTER. The amendment I offered was suggested by the Reclamation Service as a precaution. Certain lakes in this park will be flooded to some extent by the building of dams and the backing up of water in the park for Reclamation Service purposes. The amendment is offered to the end that any ambiguity which may exist on the subject of the right to back up the water into the park may be eliminated.

Mr. HEYBURN. Just so it does not recognize the right of the Reclamation Service or any other service to take possession of and sell the right to use the water, I have no objection to the bill. But I should like to have it distinctly understood that any measure or amendment to this bill or any other that undertakes to recognize the right of the Government to sell the right to use the water will meet with objection.

Mr. TELLER. I understood that was not the case. If it was, I certainly should have objected to the bill.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### LANDS IN CROW INDIAN RESERVATION, MONT.

The bill (S. 2963) for the survey and allotment of lands now embraced within the limits of the Crow Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, directed to immediately cause to be surveyed all the land embraced within the limits of the Crow Indian Reservation, in the State of Montana.

Sec. 2. That so soon as all the lands embraced within said Crow Indian Reservation shall have been surveyed, the Commissioner of Indian Affairs shall cause allotments of the same to be made to all persons having tribal rights with said Crow Indians, who have not heretofore received allotments of land, under the provisions of the allotment laws of the United States: *Provided further*, That hereafter the Secretary of the Interior shall cause allotments to be made under the provisions of this act to all children of Indians affected hereby so long as the tribe is possessed of any unallotted tribal or reservation lands.

Sec. 3. That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved as long as needed, and as long as agency, school, or religious institutions are maintained thereon for the benefit of the Indians, and in addition thereto not to exceed 5,000 acres of timber lands for the common use of said Indians.

Sec. 4. That there is hereby granted to the Bureau of Catholic Indian Missions the following-described land, now and for many years reserved for and occupied by St. Xavier's Mission, to wit: The east half of the southwest quarter and the west half of the southeast quarter of section 23, township 4 south, range 32 east, on the Crow Reservation, in Montana, containing 160 acres, more or less.

Sec. 5. That the Secretary of the Interior shall also reserve not to exceed 500,000 acres of said lands for the purpose of establishing the said Crow Indians in the business of breeding and selling horses, under the direction and control of the Secretary of the Interior; and the Secretary of the Interior is hereby authorized and directed to expend in fencing the said lands so reserved for horse breeding and selling purposes and in the construction of sheds, barns, corrals, fences, and buildings necessary in carrying out the provisions of this section such portion, when available, of the \$40,000 that was set apart for the fencing of said Crow Reservation in the act of Congress, approved April 27, 1904, entitled "An act to ratify and amend an agreement with the Indians of the Crow Reservation of Montana and making appropriation to carry the same into effect."

Sec. 6. That upon the completion of said allotments the President of the United States shall appoint a commission consisting of five persons to inspect, classify, appraise, and value all of said lands that shall not have been allotted in severalty to said Indians or granted or reserved by the terms of this act, said commission to be constituted as follows: Two of said commissioners shall be persons holding tribal relations with said Indians, one representative of the Indian Bureau, and two resident citizens of the State of Montana.

Sec. 7. That within thirty days after their appointment said commissioners shall meet at some point within the Crow Indian Reservation and organize by the election of one of their number as chairman.

Said commission is hereby empowered to select a clerk at a salary not to exceed \$7 per day.

Sec. 8. That said commissioners shall then proceed to personally inspect and classify and appraise by the smallest legal subdivisions of 40 acres each all of the remaining lands embraced within said reservation. In making such classification and appraisal said lands shall be divided into the following classes: First, agricultural land; second, grazing land; third, mineral land, the mineral land not to be appraised; fourth, timber land. That said commissioners shall be paid a salary of not to exceed \$10 per day each while actually employed in the inspection and classification of said lands, such inspection and classification to be completed within one year from the date of the organization of said commission. That said commission shall in their report of lands of the fourth class determine as nearly as possible the amount of standing merchantable timber on legal subdivisions thereof, and in so determining the amount of timber they shall be empowered to employ such timber cruisers as may be necessary at salaries not to exceed \$8 per day while so actively employed.

Sec. 9. That when said commission shall have completed the classification and appraisal of all of said lands and the same shall have been approved by the Secretary of the Interior, the lands shall be disposed of under the provisions of the homestead, desert-land, mineral, and town-site laws of the United States, except as hereinafter otherwise provided and excepting sections 16 and 36 of each township, or any part thereof, for which the State of Montana has not heretofore received indemnity lands under existing laws, which sections, or parts thereof, are hereby granted to the State of Montana for school purposes. And in case either of said sections, or parts thereof, is lost to the State by reason of allotment thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized to select other unoccupied, unreserved, nonmineral lands within said reservation, not exceeding two sections in any one township, which selections must be made within the sixty days immediately prior to the date fixed by the President's proclamation opening the surplus lands to settlement: *Provided*, That the United States shall pay to the said Indians for the lands in said sections 16 and 36, so granted, or the lands within said reservation selected in lieu thereof, the sum of \$1.25 per acre.

Sec. 10. That said lands shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and the Spanish wars, as defined and prescribed in sections 2304 and 2305 of the Revised Statutes, as amended by the act of March 1, 1901, shall not be abridged: *Provided further*, That the price of said lands shall be the appraised value thereof, as fixed by the said commission, but settlers under the homestead law who shall reside upon and cultivate the land entered in good faith for the period required by existing law shall pay one-fifth of the appraised value in cash at the time of entry, and the remainder in five equal annual installments, to be paid one, two, three, four, and five years, respectively, from and after the date of entry, and shall be entitled to a patent for the lands so entered upon the payment to the local land officers of said five annual payments, and in addition thereto the same fees and commissions at the time of commutation or final entry as now provided by law where the price of the land is \$1.25 per acre, and no other and further charge of any kind whatsoever shall be required of such settler to entitle him to a patent for the land covered by his entry: *Provided*, That if any entryman fails to make such payments, or any of them, within the time stated, all rights in and to the land covered by his or her entry shall at once cease, and any payments theretofore made shall be forfeited, and the entry shall be forfeited and canceled: *And provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section 2301, Revised Statutes, by paying for the land entered the price fixed by said commission, receiving credit for payments previously made.

Sec. 11. That the proceeds received from the sale of said lands in conformity with this act shall be paid into the Treasury of the United States, and after deducting the expenses of the Commission, of classification and sale of lands, and such other incidental expenses as shall have been necessarily incurred, and expenses of the survey of the land, shall be expended or paid as follows: One-half of said money to be expended by the Secretary of the Interior as he may deem advisable for the benefit of said Indians in the purchase of live stock, farming implements, and other necessary articles to aid said Indians in farming and stock raising and in the education and civilization of said Indians, and the remaining half of said money to be paid to said Indians and persons holding tribal rights on said reservation semi-annually, share and share alike.

Sec. 12. That all of said lands returned by said Commission as timber lands shall be sold and disposed of by the Secretary of the Interior, under such rules and regulations as he may prescribe: *Provided*, That the lands within said reservation, however classified, shall, on and after sixty days from the date fixed by the President's proclamation opening said lands, be subject to exploration, location, and purchase under the general provisions of the United States mineral and coal land laws at not less than the price therein fixed and not less than the appraised value of the land except that no mineral or coal exploration, location, or purchase shall be permitted upon any lands allotted to Indians or reserved under the provisions of this act.

Sec. 13. That nothing in this act contained shall in any manner bind the United States to purchase any part of the land herein described, except sections 16 and 36, or the equivalent, in each township, that may be granted to the State of Montana, the reserved tracts hereinafter mentioned for agency and school purposes, or to dispose of lands except as provided herein, or to guarantee to find purchasers for said lands, or any part thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received.

Sec. 14. That the Secretary of the Interior is hereby authorized and directed to set apart from said lands, whether surveyed or unsurveyed, such tracts for town-site purposes as in his opinion may be required for the future public interests, and he may cause any such reservations, or parts thereof, to be surveyed into blocks and lots of suitable size, and to be appraised and disposed of under such regulations as he may prescribe, preference right of purchase to be given to actual occupants of said town lots at time of survey of same. The net proceeds derived from the sale of such lands shall be deposited in the Treasury of the United States to the credit of the Indians.

SEC. 15. That all lands hereby opened to settlement remaining undisposed of at the end of five years from the date of the President's proclamation opening the same to settlement shall be sold to the highest bidder for cash at not less than \$1.25 per acre, under regulations to be prescribed by the Secretary of the Interior; and any lands remaining unsold ten years after said lands shall have been opened to entry shall be sold to the highest bidder for cash, under such regulations as said Secretary may prescribe, in tracts not exceeding 640 acres to any one person.

SEC. 16. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$100,000, or so much thereof as may be necessary, to pay for the lands granted to the State of Montana and for lands reserved for agency and school purposes, at the rate of \$1.25 per acre; also the sum of \$200,000, or so much thereof as may be necessary, to be immediately available, to enable the Secretary of the Interior to survey, allot, classify, and appraise the lands in said reservation as provided herein, to defray the expense of the appraisement and survey of town sites, and for the survey and construction of irrigation systems on said lands, the latter sum of \$200,000 to be reimbursable out of the funds arising from the sale of said lands.

Mr. TELLER. I should like to know from the Senator who reported the bill whether there is any curtailment of the amount of the allotment.

Mr. DIXON. I will say to the Senator from Colorado there is none whatever. They were allotted many years ago, under the Dawes Act.

Mr. TELLER. I had an idea there was.

Mr. DIXON. No; they average about a thousand acres to a family under the allotments they have now.

Mr. TELLER. It does not change the law as to the allotments?

Mr. DIXON. Not in the least.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Indian Affairs.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### SCHOOLS OF MINES AND MINING.

The bill (S. 3764) to apply a portion of the proceeds of the sales of public lands to the endowment of schools or departments of mines and mining, and to regulate the expenditure thereof, was considered as in Committee of the Whole. It proposes to appropriate, out of any money in the Treasury not otherwise appropriated, arising from the sale of public lands in any States and Territories and possessions of the United States other than Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming, to be paid to each State and Territory, for the establishment and maintenance of schools or departments of mines and mining in connection with the colleges for the benefit of agriculture and the mechanic arts now established, or which may be hereafter established, in accordance with the provisions of an act of Congress approved July 2, 1862, and other institutions, as provided in section 3 of this act, the sum of \$15,000 for the year ending June 30, 1908, and an annual increase of the amount of such appropriation thereafter for ten years by an additional sum of \$1,000 over the preceding year until the annual amount to be paid thereafter to each State and Territory shall be \$25,000.

Mr. KEAN. I should like to ask the Senator from Ohio what public lands there are out of which this appropriation is to be paid?

Mr. DICK. There are public lands in the Territory of Alaska, the States of Alabama, Arkansas, Louisiana, Michigan, Minnesota, Missouri, and Wisconsin, outside of the irrigation States.

Mr. CLARKE of Arkansas. My attention has been directed to the bill by the fact that the name of Arkansas has been mentioned. What does the Senator propose to do with the public lands in the State of Arkansas?

Mr. DICK. The bill proposes to apply a certain portion of the money derived from the public lands to the establishment and maintenance of schools or departments of instruction in mines and mining.

Mr. CLARKE of Arkansas. I am entirely in favor of that. It is a worthy enterprise, and I have no objection whatever to Arkansas contributing its proportion.

Mr. KEAN. What is the amount of the public lands? What I am trying to get at is this: My impression is that outside of the States and Territories which the bill excepts there is very little public land, and therefore I do not see where the \$15,000 annually to all the States is to come from.

Mr. DICK. If it does not reach that amount it will not be distributed, but the returns for the years back as far as 1899 and down to 1905 exceed the required amount.

Mr. KEAN. Annually?

Mr. DICK. Yes.

Mr. KEAN. I thought we were probably passing a useless bill.

Mr. DICK. No; it is a good bill; and it is asked for by the mining States and the mining interests of every kind and character.

Mr. KEAN. And the other States pay the expenses of the States which are excepted. They get the reclamation fund and they get this fund in addition.

Mr. DICK. They do.

Mr. NELSON. The trouble with the bill is it excludes all the mining States and devotes to this purpose the proceeds of public lands in States where there are no mines. It takes them and uses them for a school of mines.

Mr. DICK. The bill aims to treat the mining schools as we now treat the agricultural colleges, and to give a portion of the proceeds for their support, which we believe to be a matter of national importance and of national and general benefit.

Mr. KEAN. Does not the Senator think that the States which are excepted ought to pay their share of the appropriation if they are going to get the benefit from it?

Mr. DICK. The only States excepted are those where the funds are being used for irrigation purposes.

Mr. KEAN. Why should not an amendment be added excepting those States from the benefit of the proposed act? They are getting all of the land and all the benefit.

Mr. DICK. The bill does so provide. Those States are now excepted.

Mr. KEAN. Yes; they are excepted; and then they get the benefit of all the other public lands in the United States.

Mr. DICK. The lands in some instances are few where these mining schools are being conducted or carried on. This bill has been favorably reported several times in other Congresses. It has been much discussed, and, I think, is generally understood. It will be beneficial legislation, and comes to this body favorably reported by your committee.

Mr. President, the Committee on Mines and Mining, to which was referred this bill, having considered the same, recommend its passage.

The bill herewith reported does not share in the proceeds of the sale of public lands in the States mentioned in the national irrigation act of June 17, 1902, as beneficiaries under said act. The amounts available for the purposes of the bill from the sale of public lands outside the irrigation States for the year ending June 30, 1905, and is taken from the report of the Commissioner of the General Land Office for the year ending June 30, 1905, pages 201, 208, and 209:

Alabama	\$20,002.45
Alaska	9,202.06
Arkansas	84,088.70
Florida	68,252.40
Iowa	211.94
Louisiana	52,183.86
Michigan	34,781.40
Minnesota	335,535.59
Mississippi	25,578.08
Missouri	27,690.64
Wisconsin	22,161.76
Total	679,688.88

The States and the district of Alaska, outside the irrigation States and Territories, received on account of sales of public lands during each fiscal year from July 1, 1898, to June 30, 1904, page 224 of the Report of the Commissioner of the General Land Office, 1904:

	1899.	1900.	1901.	1902.	1903.	1904.
Alabama	\$8,515.12	\$7,470.41	\$11,601.12	\$10,550.28	\$11,539.80	\$18,387.47
Alaska	687.50	2,276.32	2,324.02	5,503.10	2,169.06	5,739.32
Arkansas	8,328.73	60,506.09	49,622.16	86,715.28	112,344.06	69,837.88
Florida	1,312.02	3,158.54	4,487.20	5,686.86	11,619.27	31,033.39
Illinois	50.00		1.76		50.00	56.12
Indiana	19.40				11.42	
Iowa	542.28	1,554.92	14,089.15	7,234.44	461.06	1,069.38
Louisiana	8,620.17	19,780.04	38,941.22	63,359.17	125,016.88	74,267.02
Maine				3,770.00		
Michigan	8,707.79	32,891.74	45,027.86	38,789.12	54,724.41	41,080.27
Minnesota	77,325.73	212,000.92	218,756.44	243,947.95	525,640.41	501,915.96
Mississippi	13,849.13	25,365.68	21,360.28	25,202.94	11,536.33	19,785.81
Missouri	15,571.08	105,818.13	23,262.22	24,426.12	33,152.86	28,439.97
Ohio				70.17		
Wisconsin	15,799.89	44,612.83	25,643.98	30,780.74	35,727.18	35,848.08
Total	159,328.83	515,535.52	456,017.41	546,016.17	923,992.78	947,481.17

It is unnecessary to present any extended argument in favor of the adoption of this measure. The principle upon which the bill proceeds is one which has been long established in our legislation, the Congress having in 1862 committed itself to the policy



of extending Federal aid in the way of grants of the public land to the several States for educational purposes. The act of 1862 has been followed and supplemented by the acts of March 2, 1887, and of August 30, 1890, each of which acts carried specific appropriations of money derived from the sale of public lands for the purpose of strengthening and extending the institutions established under the act of 1862. The purpose of the pending bill is directly in line with the policy heretofore pursued, and may properly be regarded as no more than supplementary to the act of 1862. That act made no direct reference to the great mining industries of the country and carried no provision for research or experiment looking to their development. The pending measure is intended to provide for this deficiency, and very wisely does it by strengthening the institutions already established and already partially equipped for the work.

The splendid success which has in every case attended the establishment of the agricultural and mechanical colleges, and the invaluable work they have done in developing and increasing the agricultural wealth of the nation, have abundantly justified the wisdom of the act which founded them. Your committee believe that the passage of this bill will do for the mining interests of the country what has been so well done under the original act for our agricultural interests. It is a matter of common knowledge that, notwithstanding the great value of our mineral product, amounting in the year 1900 to the stupendous aggregate of \$1,070,108,888, there is yet an enormous waste in the present process of extracting both precious and common minerals. There can be no doubt but what scientific research, investigation, and experiment will eventually develop methods and processes by which a large part of this waste can be avoided and the aggregate wealth of the nation thereby vastly increased.

It is a well-recognized fact that the science and art of agriculture in the United States have been revolutionized through the agency of the agricultural experiment stations established under the act of Congress of 1887. Your committee believe that the same methods which have produced such fruitful results in the field of that great industry will be equally productive when applied to the development of our untold mineral wealth, and it seems incontestable that it is as much the right and the duty of the Federal Government to extend aid in the latter case as in the former. The amount appropriated by the bill to forty-eight States and Territories is for the first year \$480,000, and will amount at the end of ten years to \$960,000 per annum. If this expenditure should result in increasing by only one-tenth of 1 per cent our annual mineral product, the country would be more than repaid in the direct increase of wealth, of tax-paying power, and, above all, in the widely diffused increase of intelligence and skill; for every dollar of mineral wealth wrested from the soil is new wealth, which goes into general use, permanently increasing the volume of metallic circulation and contributing ready material for the arts, sciences, and the conveniences of civilized life.

There has been received since the foundation of the Government from the sale of public lands the sum of \$300,320,075.04. This amount has been covered into the General Treasury, and no charge has been made against it. The total receipts from the disposal of public lands for the fiscal year ending June 30, 1901, amounted to \$4,307,437.15, showing an increase over the previous year of \$592,402. Deducting from the receipts of the fiscal year the amount expended and contracted for in the maintenance of the entire land and forest administration, there remained a net surplus in the Treasury from this source of \$3,158,441.67.

Of this amount about \$1,200,000 was appropriated in accordance with the provision of the act of August 30, 1890, for the maintenance and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of the act of 1862, and about \$720,000 for the maintenance of agricultural experiment stations established in accordance with the act of 1887, leaving an unappropriated surplus of \$1,238,441.67. Out of this surplus the present bill would absorb for the first year only the comparatively small sum of \$480,000, and even when it reaches its maximum the amount withdrawn would be but \$960,000, still leaving a wide margin and clearly showing that the bill may be passed without fear of creating embarrassment in any direction.

To fully comprehend the import of the provisions of the bill is, in a large measure, to foresee most of the improvement and progress that will be made in the mining and extraction of the precious, rare, and base metals in the years to come. The effects of education are cumulative, and the value of money expended thereon can not be estimated by the mere cost of educating so many men at so much per capita. Having once received the groundwork which our schools of mines and agricul-

tural colleges give, and having acquired the spirit of investigation and experiment which should really be in the air of all educational institutions, the man is prepared not only to apply that which he has learned, but to go still further and take the initiative in solving problems which have never even been considered within the walls of his school.

The problems which are being presented to the members of the mining and metallurgical profession are increasing in complexity year by year. It is becoming necessary to conduct mining operations at greater depths, and this involves new problems in hoisting, pumping, drainage, and ventilation. The necessity for making closer savings in all metallurgical processes is resulting in the invention of new methods and the improvement of old ones. In many branches methods are now in use which have not undergone any change or improvement for periods varying from a decade to a century, and we can scarcely look to any other source than technical education for leaders to attack these problems. The day of accidental discovery is largely gone by, and the greatest advances of the future must be made by approaching the problems from a scientific point of view and conducting experiments in a more systematic manner than is customary with the hit-or-miss operators whose experiments are conducted without rhyme or reason.

It is easily conceivable, therefore, that if the provisions of this bill should be carried out the money expended would be amply repaid if from the combined annual number of graduates of our mining schools there should be found one whose exceptional ability in any branch of mining or metallurgy would bring about a marked improvement therein. It is wholly within the bounds of possibility that a single invention in metallurgy should result in the annual recovery of precious metals many times greater than the amount to be annually expended on schools of mines, according to the provisions of the bill under consideration. Engineering schools are content for the most part to instruct their pupils in the current practice of the profession. Their field of usefulness, however, could be largely extended by directing their efforts toward professional advance. Investigation and research in such a school should be coordinate with the department of instruction. In aiding the material progress of the world, there are just as great possibilities in wisely directed research as there are in well-imparted instruction. Research means a larger product, a better product, and lower costs. It makes the labor of man more effective, and in the end must redound to the advantage of both producer and consumer. There can be no surplus of research. The value of every ore deposit and every acre of agricultural land is enhanced by improved methods that increase the amount or reduce the cost of production. Every dollar wisely spent in the investigation and solution of agricultural problems adds to the value of millions of acres of agricultural land. Every dollar wisely spent in mining and metallurgical research adds to the value of countless mining claims.

The work of the mining schools already established has proved to be of great value. The mining industry has reached a stage where the discoveries of the prospector can be made of permanent value only by the application of the expert knowledge of men trained in the profession. Great advances have been made within the last few years both in mine operation and ore-treatment methods, and the mining schools must be given a considerable share of the credit for this progress. Millions of dollars annually are added to the wealth and resources of the nation by means of the development of its mineral resources, and the industry is fully entitled to all of the aid which can reasonably be given. The bill once a law will benefit all sections of the country. It will add greatly to the production of wealth and settlement of a part of the country that has immense natural resources.

In 1891 Colorado produced \$4,000,000 in gold and \$21,160,000 in silver. In 1898, when more modern methods for handling gold ores were fairly under way, the production of gold reached \$23,512,819 and of silver \$13,676,889.

In 1905 the gold output was \$29,805,995 and the silver \$7,686,478; adding lead, copper, and tungsten, the total production in Colorado for 1905 was \$55,967,547.

It is estimated that a large proportion of this product is the result of improved scientific treatment of ores.

A former Director of the United States Geological Survey, in a letter to the President of the United States, represents fairly the views of a highly trained expert in this matter:

DEPARTMENT OF THE INTERIOR,  
UNITED STATES GEOLOGICAL SURVEY,  
Washington, D. C., January 23, 1906.

SIR: I have the honor to submit the following comments on Senate bill No. 3253:

There can be no question that the mining industry would be greatly benefited and extended by the more thorough training of men who are engaged in mineral production. At the present time a considerable

number of mining engineers are graduates from our larger educational institutions, but the great mass of the mineral producers have not been thoroughly trained. A dissemination of geological, chemical, and metallurgical information in mining regions and instruction in the best methods of mining would tend to reduce expensive mistakes and the use of wasteful methods in prospecting, mining, and treatment of ores.

The bill referred to seems well adapted to encourage education and the dissemination of information in respect to mining. It also provides for the investigation of new methods in mining, ore dressing, and metallurgy, which is not elsewhere provided by the Government and which can be carried on with great advantage by mining schools located in mining districts.

Yours, with respect,

CHAS. D. WALCOTT, *Director.*

The President, The White House.

The extensive work already undertaken by the Government in forestry and irrigation makes it imperative that some provision be made for instruction in these subjects, in order to supply the present urgent demand for experts in these lines of work. The agricultural colleges in which these subjects would naturally be taught will, under the provisions of the bill, be supplied with sufficient funds to carry on the work successfully. Since both mining and agriculture lie at the foundation of national prosperity, it seems both wise and proper for the Government to continue its aid to the agricultural colleges and at the same time to initiate a policy of financial assistance to the mining schools. The history both of industry and of education from the first land-grant act shows conclusively that governmental aid to education is one of the wisest and best methods of public expenditure.

The bill has the indorsement of the American Association of State Mining Schools, of the American Mining Congress, of the Agricultural College Association, and of the Association of State Universities.

Mr. President, I quote in part from a report made upon a like measure in the House:

"The two great sources of our national wealth are agriculture and mining. According to the report of the Secretary of Agriculture, the total value of the agricultural products of the United States for the year 1906 was \$6,794,000,000. Deducting from this amount the value of meat, animal milk, and poultry products, which probably constitute one-half of the total valuation, there remains a value for the direct products of the soil of approximately \$3,500,000,000. The value of the mineral products of the United States for the year 1906, according to the statistics of the United States Geological Survey, was nearly \$2,000,000,000.

"In 1862 the Government took steps for the establishment and maintenance of agricultural colleges in the various States and Territories for teaching the principles of scientific farming. Each of these agricultural colleges so established is now receiving from the Government the sum of \$80,000 per annum, and, according to laws already passed, within three or four years under a scheme of progressive appropriation each of these agricultural colleges will be receiving nearly \$100,000. The present bill would appropriate only \$5,000 for the first year and an additional \$5,000 per annum until the maximum amount of \$25,000 should be reached in 1912. This is only about one-fourth the amount that the agricultural colleges will be receiving. The value of mineral products in the United States in comparison with agricultural products is much greater proportionately than the ratio between what this bill proposes to appropriate to mining schools and appropriations to agricultural colleges. If the Government can profitably appropriate \$100,000 per annum to agricultural colleges, surely it can afford to appropriate one-fourth of this amount to mining schools or departments, in view of the relative importance of our mining output compared with the output of agriculture.

"The effect of governmental action in behalf of these agricultural colleges has been most beneficent. Science has been applied to the soil so that farming has become more scientific and remunerative. By studying the properties and conditions of soils, and scientifically supplying such properties as they have lacked, they have been made to produce manifold more than they could have produced without such treatment. The suitability of certain soils for certain kinds of crops has been investigated, and, as a result, agricultural waste has been reduced to a minimum. The great benefits resulting from these agricultural colleges are apparent to every observant person.

"What these various laws have done for agriculture, this bill proposes to do for mining. It is of the utmost importance that the mineral resources of the nation be conserved, both for the welfare of ourselves and of our posterity. The minerals of the nation are not inexhaustible, and future generations will justly hold us to account if we fail to conserve them to the best of our ability. This bill seeks scientific ways of mining to the end that this industry may be carried on with the least possible amount of waste. It seeks to discover methods for

utilizing all the output of a mine that none of it may be lost. It is quite probable that mines which now can not be operated at all, or, if so, can not be profitably operated, within a few years could be made to pay if the invention of new mining apparatus or the improvement of mining methods could be brought about through scientific study and research. In days past, when mining methods were more crude and less scientific, enough valuable ore was forever lost in the mud and ooze of river beds to defray the cost of the appropriations contemplated in this bill many times over. Ores that could not be worked by the crude machinery of these unscientific times could have been made to bear millions of dollars if more enlightened methods and more scientific machinery had been in existence. This bill, if enacted into law, would result in utilizing every bit of our mineral products and the waste would be reduced to an absolute minimum.

"It is not known what new minerals may be hiding in the pockets of the earth that more scientific methods would bring to light. Take radium, for instance, the wonderful mineral of the twentieth century. Little is known of it, and yet it seems to have great properties of light and heat. Under existing conditions no radium has been found in this country. Every atom of it comes from the zinc blends of Bohemia. It is not improbable that even this precious material may be found in America or might be artificially produced from other minerals if our knowledge of mining processes were only more scientific. What strange minerals not yet known to man might be found through the application of science to mining no one can see.

"The progress of the race toward higher planes of civilization is brought about by studying the records of victory and failure that have been made by different investigators, by avoiding those failures and taking advantage of those successes.

"Vast sums of money have been spent in the investigation of mining conditions, but others have not had the record of these investigations and hence have gone over the same road, to meet the same failure at the end. The establishment of schools or departments for instruction in scientific mining is surely of sufficient importance to be a national matter. If the nation should take this up, a record of achievements and failures could be kept, so that the whole country would have the benefit of the investigation pursued by any one school or department or in any particular field of mines and mining. So long as men work independently the country may lose the value of their services and the work which they are doing may be duplicated, but the national establishment of schools and departments of mines and mining, as contemplated in this bill, would give the whole country the benefit of all the research made in all the different schools or departments. As a result, the progress in mining would necessarily be faster, the waste would be less, and much would be done toward the conservation of our mineral resources.

"But this is not all. The loss of life among miners in America within recent years has been appalling and is startlingly on the increase. It has been presumed generally that railroading is the most hazardous of occupations, but statistics show that more miners per thousand engaged lose their lives in mines than railroad men. It is a matter of common knowledge that in a single month toward the end of 1907 1,000 miners lost their lives in three or four great mining disasters in various coal mines of the country.

"One of the most helpful results of the national establishment of schools or departments of mines and mining as proposed in this bill would be to teach safer methods of mining, so that the lives of miners might be more safe and property in mines more free from destruction. If the Government could do anything to safeguard the lives of miners who take their lives in their hands and go down into the depths of the earth to bring forth the minerals that are essential to civilization, surely it ought to be done. It is believed that, should such schools or departments be established, the next few years would show a welcome decrease in the death rate among miners. What is true in the way of making life safer in mines would also be true of protecting property in them, as the causes of explosions and other disasters incident to mining would be scientifically investigated and reduced to a minimum."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. STANDISH.

The bill (H. R. 17707) to authorize William H. Standish to construct a dam across James River, in Stone County, Mo., and divert a portion of its waters through a tunnel into the said river again to create electric power, was announced as the next business in order on the Calendar.



Mr. NELSON. Let the bill go over, at the instance of the Senator from Missouri.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Minnesota.

#### SOUTH PASS OF THE MISSISSIPPI RIVER.

The bill (S. 6640) authorizing appropriations for South Pass of the Mississippi River, or surveys thereon, to be used in dredging said river above the pass to secure 35 feet and suitable width, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, in line 3, after the word "that," to strike out "all moneys" and insert "so much as may be necessary of the moneys heretofore or hereafter," so as to make the bill read:

*Be it enacted, etc.,* That so much as may be necessary of the moneys heretofore or hereafter appropriated for the maintenance of South Pass of the Mississippi River, or for examinations and surveys of the South Pass of the Mississippi River, or for the improvement of the Southwest Pass of the Mississippi River, may, in the discretion of the Secretary of War, on the recommendation of the Chief of Engineers, United States Army, be used in dredging shoals in the said river between Cubits Gap and the Head of the Passes whenever it may become necessary to secure a depth of channel through said shoals of 35 feet, with a practicable width; said dredging to be done either by the dredges owned and operated by the United States, or, if necessary, under contract with responsible dredging companies, as may be most economical and advantageous to the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### MARY S. FERGUSON.

The bill (S. 6529) for the relief of Mary S. Fergusson was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Philippines with amendments, in line 9, before the word "dollars," to strike out "nine thousand" and insert "four thousand five hundred;" and in line 10, after the words "salary for," to strike out "one year" and insert "six months," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mary S. Fergusson, the widow of Arthur W. Fergusson, late executive secretary of the Philippine Islands, who died January 30, 1908, in the service of the Government, the sum of \$4,500, being the amount of salary for six months.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### SUNDAY CLOSING IN THE DISTRICT.

The bill (S. 3940) requiring certain places of business in the District of Columbia to be closed on Sunday was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

That it shall be unlawful for any person or corporation in the District of Columbia, on the first day of the week, commonly called Sunday, to labor at any trade or calling, or to employ or cause to be employed his apprentice or servant in any labor or business, except in household work or other work of necessity or charity, and except also newspapers publishers and their employees, and except also public-service corporations and their employees, in the necessary supplying of service to the people of the District.

SEC. 2. That it shall be unlawful for any person in said District on said day to engage in any circus, show, or theatrical performance: *Provided*, That the provisions of this act shall not be construed so as to prohibit sacred concerts, nor the regular business of hotels and restaurants on said day; nor to the delivery of articles of food, including meats, at any time before 10 o'clock in the morning of said day from June 1 to October 1; nor to the sale of milk, fruit, confectionery, ice, soda, and mineral waters, newspapers, periodicals, cigars, drugs, medicines, and surgical appliances; nor to the business of livery stables, or other public, or the use of private conveyances; nor to the handling and operation of the United States mail.

SEC. 3. That any person or corporation who shall violate the provisions of this act shall, on conviction thereof, be punished by a fine of not more than \$10 or by imprisonment in the jail of the District of Columbia for not more than ten days, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That persons who are members of a religious society, who observe as a Sabbath any other day in the week than Sunday, shall not be liable to the penalties prescribed in this act if they observe as a Sabbath one day in each seven, as heretofore provided.

SEC. 4. That all prosecutions for violations of this act shall be in the police courts of the District of Columbia and in the name of the District.

The amendment was agreed to.

Mr. KEAN. I should like to inquire whether it is a unanimous report from the committee.

Mr. JOHNSTON. It is. I desire to offer an amendment. I

move to strike out the proviso in section 3 and to add it to section 1, in just exactly the same language.

The VICE-PRESIDENT. The Senator from Alabama proposes an amendment, which will be stated.

The SECRETARY. On page 3 of the committee amendment, section 3, it is proposed to strike out the proviso and to add it at the end of section 1.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the proper observance of Sunday as a day of rest in the District of Columbia."

#### FISH-CULTURAL STATION IN NEVADA.

The bill (S. 6783) to establish a fish-cultural station in the State of Nevada was considered as in Committee of the Whole. It proposes to appropriate \$25,000 for the establishment of a fish-cultural station in the State of Nevada, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point in the State, to be selected by the Secretary of Commerce and Labor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### THIRD INSTALLMENT, MISSOURI WAR CLAIMS.

The bill (S. 6764) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### FORT CRAWFORD MILITARY TRACT, WISCONSIN.

The bill (S. 4726) for the relief of certain purchasers of lots in the Fort Crawford military tract at Prairie du Chien, State of Wisconsin, was considered as in Committee of the Whole. It proposes that in all cases where it shall be made to appear to the satisfaction of the Secretary of the Interior that the purchaser of a lot in the Fort Crawford military tract at Prairie du Chien, Crawford County, State of Wisconsin, has paid the interest required by law, the amount so paid for interest shall be repaid to the purchaser.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### AMENDMENT OF DISTRICT CODE.

The bill (S. 6506) to amend an act entitled "An act to establish a Code of Law for the District of Columbia" was considered as in Committee of the Whole. It proposes to amend section 1071 by adding the following paragraph:

The record, in the District of Columbia, of any deed or other instrument of writing, not of a testamentary character, where the laws of the District of Columbia authorized the same to be recorded in said District and the same has been recorded agreeably to such laws, and the record in said District of any will or other instrument of writing of a testamentary character, where the laws of said District authorized the same to be admitted to probate and record in said District, by judicial decree, and the same has been so admitted to probate and record agreeably to such laws and (in case of such will or of such other instrument of writing of a testamentary character) of the decree of the court admitting the same to probate and record, shall be good and sufficient prima facie evidence to prove the existence and contents of such deed or will or other instrument of writing, and that it was executed as it purports to have been. And a copy of the same under the hand of the recorder of deeds or register of wills or other keeper of such record and the seal of the office or court in which such record has been made, shall also be good and sufficient prima facie evidence to prove the existence and contents of such deed or will or other instrument of writing, and that it was executed as it purports to have been.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### EMBASSY BUILDING, PARIS, FRANCE.

The bill (S. 6959) to provide for the purchase of building and grounds, or of a site and erection of a building thereon, in the city of Paris, France, for the use of the embassy of the United States, was announced as the next business in order on the Calendar.

Mr. TELLER. The Senator who introduced the bill is not present. There are Senators who want to be heard on it. I ask that it may go over.

The VICE-PRESIDENT. The bill will go over, at the request of the Senator from Colorado.

Mr. CULLOM. I hope the Senator from Colorado will not insist that the bill go over.

Mr. TELLER. I know that one or two Senators want to be heard on the bill. I think it is rather important whether or not we shall adopt the policy therein announced, and if we are going to do it, we should take up the bill at some other time. I am compelled under the circumstances to object.

Mr. CULLOM. We can not take it up at this session unless we do so pretty soon. Of course the Senator has a right to object.

The VICE-PRESIDENT. The Senator from Colorado objects, and the bill will go over.

#### PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

The bill (S. 6102) to further protect the public health, and imposing additional duties upon the Public Health and Marine-Hospital Service, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Health and National Quarantine with amendments. The first amendment was, on page 3, section 3, line 3, after the word "school," to insert "without compensation to or from the United States and," so as to read:

SEC. 3. That to facilitate cooperation between State and Territorial boards of health or departments of health, including the District of Columbia, and the Public Health and Marine-Hospital Service, there shall be established a school of hygiene, for which the facilities of the hygienic laboratory shall be available. Regulations for admission to and for the conduct of said school shall be made by the Surgeon-General with the approval of the Secretary of the Treasury. There shall be received in this school, without compensation to or from the United States and with such limitations as may be deemed necessary,

The amendment was agreed to.

The next amendment was, on page 4, section 4, line 15, after the word "annum," to strike out:

There shall also be appointed in like manner a solicitor of the Public Health and Marine-Hospital Service, who shall be familiar with the public health laws of the National Government, States, and municipalities, to aid in establishing uniform measures for the protection of the public health and to perform such service of a legal nature as may be required. The salary of the solicitor shall be fixed by the Surgeon-General, with the approval of the Secretary of the Treasury, and shall not exceed \$5,000 per annum.

The amendment was agreed to.

The next amendment was, on page 5, section 5, line 12, after the word "days," to insert:

And provided further, That the health authorities of all the other States and Territories shall be notified of said special conference, and in their discretion may send delegates, one from each State or Territory, at their own expense.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 6101) to promote the efficiency of the Public Health and Marine-Hospital Service was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Health and National Quarantine with amendments.

The first amendment was, in section 1, page 1, line 10, after the word "surgeons-general," to insert "or colonel;" in line 11, after the word "surgeons-general," to insert "or lieutenant-colonel;" on page 2, line 1, after the word "surgeons," to insert "or major," so as to read:

That hereafter the pay and allowances, including longevity, of the commissioned medical officers of the Public Health and Marine-Hospital Service shall be the same as the pay and allowances, including longevity and excepting forage, of the commissioned officers of the Medical Department of the Army, as follows: Surgeon-General, that of the Surgeon-General of the Army; assistant surgeons-general, that of assistant surgeons-general or colonel of the Army; ten medical directors, that of deputy surgeons-general or lieutenant-colonel of the Army; surgeons, that of surgeons or major of the Army.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 2. That when any officer of the Public Health and Marine-Hospital Service shall be detailed for duty with the military or naval forces of the United States, under the provision of section 4 of the act of July 1, 1902, entitled "An act to increase the efficiency and change the name of the United States Marine-Hospital Service," he shall when on such duty be subject to the Rules and Articles of War.

The amendment was agreed to.

The next amendment was, on page 2, section 3, line 21, after the word "promotion," to insert "according to seniority," so as to read:

SEC. 3. That when any commissioned medical officer in the Public Health and Marine-Hospital Service has reached the age of 64 years he shall, upon his own application or in the discretion of the President, be retired and his place on the active list shall be filled by promotion according to seniority.

The amendment was agreed to.

Mr. du PONT. I offer an amendment, to be inserted at the end of section 1.

The VICE-PRESIDENT. The Senator from Delaware proposes an amendment, which will be stated.

The SECRETARY. At the end of section 1 it is proposed to insert:

Provided, That the total number of the commissioned medical officers of the Public Health and Marine-Hospital Service shall not exceed 150.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### INJURIOUS DEPOSITS IN NEW YORK WATERS.

The bill (S. 7023) to amend section 3 of the act of August 18, 1894, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," so as to provide safeguards to life on boats and scows, was considered as in Committee of the Whole.

Mr. KEAN. I should like to ask the Senator from New York whether he thinks the bill will prevent the State of New York from creating a nuisance along the whole coast of New Jersey.

Mr. DEPEW. With the exception of an amendment contained in the bill, the measure is existing law.

Mr. KEAN. I trust the bill will prevent the city of New York from destroying property along the Jersey coast, and therefore I hope everything has been put into the bill that should be there to compel the city of New York to do its duty.

The VICE-PRESIDENT. Does the Senator from New Jersey object to the consideration of the bill?

Mr. KEAN. I do not.

Mr. DEPEW. The object of the bill is particularly to take care of the Jersey coast.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### COLLECTION DISTRICTS IN OREGON.

The bill (S. 6788) to amend sections 2586 and 2587 of the Revised Statutes of the United States, as amended by the acts of April 25, 1882, and August 28, 1890, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment on page 3, line 23, after the word "fees" to strike out "and," and after the word "commissions" to insert "storage, and all perquisites of every name and nature," so as to read:

Fourth. In the district of Portland a collector, who shall receive a salary of \$6,000 a year, including fees, commissions, storage, and all perquisites of every name and nature; and an appraiser, who shall receive a salary of \$3,000 a year, both of whom shall reside at Portland, Oreg.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend sections 2586 and 2587 of the Revised Statutes of the United States, as amended by the acts of April 25, 1882, and August 28, 1890, relating to collection districts in Oregon."

#### PROOF OF SIGNATURES AND HANDWRITING.

The bill (S. 608) relating to proof of signatures and handwriting was considered as in Committee of the Whole. It provides that in any court of the United States where the genuineness of the signature or handwriting of any person may be involved, any admitted or proved signature or handwriting of such person shall be competent as a basis for comparison to prove or disprove such genuineness.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### ROBERT V. BELT AND JOSEPH P. MULLEN.

The bill (S. 4288) to empower the Court of Claims to hear and determine the claims of Robert V. Belt and Joseph P. Mullen for services and expenses for the Choctaw and Chickasaw freedmen was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments. The first amendment was, on page 2, section 2, line 13, after the word "freedmen," to strike out "and the United States;" in line 14, after the word "freedmen," to strike out "and the United States;" and in line 17, after the word "who," to insert "with such attorney as said freedmen may select and employ," so as to make the section read:

SEC. 2. That the suits in said cases shall be begun by filing petitions in the Court of Claims within sixty days after the approval of this act,



wherein shall be set out such facts and in the manner as prescribed by the rules of that court, by the said Robert V. Belt and Joseph P. Mullen, against the Choctaw freedmen in the one case and against the Chickasaw freedmen in the other case; service of said petitions shall be had by delivery of two copies of each to the Attorney-General, who, with such attorney as said freedmen may select and employ, shall appear and defend for all of the defendants in each of said cases.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 3, after the words "against the," to strike out "United States in the respective cases, said judgments to be certified to Congress as in other cases provided" and insert "individuals to whom such services were rendered," so as to make the section read:

SEC. 3. That the court may receive and consider all papers, documents, records, depositions, or other evidence offered by any of the parties to said suits; and for such amount, if any, as the court shall adjudge to be justly and equitably due to said attorneys, Robert V. Belt and Joseph P. Mullen, as the value of the services rendered and expenses incurred by them for and on behalf of the said Choctaw and Chickasaw freedmen upon the evidence submitted it shall render judgment or decree against the individuals to whom such services were rendered.

The amendment was agreed to.

Mr. KEAN. Is there a report accompanying the bill?

Mr. OWEN. The bill was reported from the Committee on Indian Affairs, and the report is No. 624.

Mr. KEAN. I do not seem to have it here. I wish the Senator from Oklahoma would explain the bill. It seems to be pretty broad.

Mr. OWEN. The bill is to provide a hearing in the case of Robert V. Belt and his associate, Mullen. Mullen was formerly Assistant Commissioner of Indian Affairs, and afterwards served these people and procured a consideration of their claims which led to their being allowed an allotment from the Chickasaw Nation. They have never been compensated, and have had nothing in the way of expenses or other considerations for the services rendered. The bill simply permits the court to consider their claim and find what, if anything, is due to them.

Mr. KEAN. It also provides for the finding of judgment, does it not?

Mr. OWEN. Certainly.

Mr. KEAN. And the report of the claim to Congress.

Mr. OWEN. No; that was stricken out. It was amended so as to read "the individuals to whom such services were rendered."

Mr. KEAN. I have no objection, of course, to the individuals paying.

Mr. OWEN. That is all it provides. The words "the United States" were stricken out. The bill as first presented contained that provision, but it was amended.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### CHICKASAW LANDS FOR TOWN SITES.

The bill (S. 5163) to authorize the Secretary of the Interior to segregate for town sites certain lands belonging to the Chickasaw tribes, and for other purposes, was considered as in Committee of the Whole. It provides that in addition to the towns heretofore segregated, surveyed, and scheduled in accordance with law the Secretary of the Interior is authorized to segregate and survey, within that part of the territory of the Choctaw and Chickasaw nations, State of Oklahoma, heretofore segregated as coal and asphalt land, such other towns, parts of towns, or town lots as are now in existence or which he may deem it desirable to establish. He shall cause the surface of the lots in such towns or parts of towns to be appraised, scheduled, and sold at the rates, on the terms, and with the same character of estate as is provided in section 29 of the act of Congress approved June 28, 1898 (30 Stat. L., p. 495), under regulations to be prescribed by him.

Section 2 provides that the provisions of section 13 of the act of Congress approved April 26, 1906 (34 Stat. L., p. 137), shall not apply to town lots appraised and sold as provided herein.

Section 3 provides that the Secretary of the Interior shall cause the lots in the town of Hartshorne, Choctaw Nation, State of Oklahoma, to be reappraised as of the date of original appraisal made by the town-site commission; that payments already made on lots therein shall be credited on the basis of reappraisal, and that payments not heretofore made on installments due or past due under the original appraisal shall be superseded by the amounts fixed under the new appraisal; and payments shall be due and date from thirty days after the service of notice of appraisal.

Section 4 provides that all expenses incurred in surveying, platting, and selling the lots in any town or parts of towns or the reappraisal of any lots in any town heretofore ap-

praised shall be paid from the proceeds of the sale of town lots of the nation in which such town is situated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### PAYMENT TO CERTAIN CHEROKEE CITIZENS.

The bill (S. 6930) to pay to certain Cherokee citizens moneys to which they have been found entitled by the Supreme Court was considered as in Committee of the Whole. It directs the Secretary of the Interior to pay, out of any funds in the Treasury belonging to the Cherokee tribe of Indians, to those intermarried white citizens of the said Cherokee tribe placed on the final approved rolls of the said Cherokee tribe by the Secretary of the Interior pursuant to an opinion of the Supreme Court of the United States in the case of Daniel Red Bird against The United States, the share or shares to which they are entitled in the funds of the Cherokee Nation on account of payments heretofore made out of said Cherokee funds to members of the Cherokee Nation, but in which payments said intermarried white Cherokee citizens did not participate and to which they were entitled in accordance with the findings of the Supreme Court in the said case of Daniel Red Bird against The United States, said intermarried white Cherokee citizens having married into the Cherokee Nation prior to November 1, 1875, and not having since abandoned their citizenship. In case any of said intermarried Cherokee white citizens have died since final enrollment their share or shares in the money distributed shall be paid to their heirs or legal representatives, but the Cherokee Nation shall have authority to contest before the Secretary of the Interior the right of any person whose enrollment was made under the decree of the Supreme Court of the United States in the case of Daniel Red Bird to receive such payments, and if said Secretary becomes convinced that such person was improperly enrolled he is hereby authorized to deny him the right to receive such back payments.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### FUNDS OF OSAGE INDIANS.

The joint resolution (S. R. 67) empowering the Court of Claims to ascertain the amount of the "civilization fund" paid by the Osages and applied to the benefit of other Indians, and for other purposes, was considered as in Committee of the Whole. It confers jurisdiction upon the Court of Claims to ascertain and determine the amount received by the United States from the sale of lands belonging to the Osage Indians under a treaty between the United States and the Great and Little Osage tribe of Indians, proclaimed January 21, 1867, and credited to the "civilization fund," that has been expended for any other Indians, or for any purpose other than the benefit of the Osage Indians, and the amount so ascertained shall be placed to the credit of the Osage tribe of Indians in the United States Treasury; less fee for attorneys representing said tribe of Indians employed by virtue of the resolution of the Osage national council, passed on the 7th day of December, 1907, in such amount as the court shall ascertain and fix after proper hearing of the services rendered and expenses incurred in the prosecution of the claim aforesaid, and the amounts found due by the court for the purposes hereinbefore stated are hereby appropriated out of said fund.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### INDIAN SCHOOL IN ARIZONA TERRITORY.

The bill (S. 6523) granting a patent for land to "The Sisters of the Blessed Sacrament for Indians and Colored People," a charitable corporation organized under the laws of the State of Pennsylvania, was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to issue a patent to "The Sisters of the Blessed Sacrament for Indians and Colored People," a charitable corporation organized under the laws of the State of Pennsylvania, for and covering the following described lands, amounting to approximately 280 acres, now and for many years occupied by the said "The Sisters of the Blessed Sacrament for Indians and Colored People" as an Indian school, to wit: The southwest quarter of the southwest quarter of section 13, the south half of the northeast quarter of section 14, and the east half of the northwest quarter and the south half of the northeast quarter of section 24, all in township 23 north, range 30 east, Gila and Salt River meridian, on the Navajo Indian reservation in Arizona Territory.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## EFFICIENCY OF THE MILITIA.

The bill (S. 4316) to further amend the act entitled "An act to promote the efficiency of the militia, and for other purposes," approved January 21, 1903, was announced as next in order.

Mr. KEAN. Let the bill go over.

The VICE-PRESIDENT. The bill will go over, at the request of the Senator from New Jersey.

## DESECRATION OF THE FLAG.

The bill (S. 565) to prevent and punish the desecration, mutilation, or improper use of the flag of the United States of America was announced as next in order on the Calendar.

Mr. BACON. I hope the bill may be read in such a way that we may know not simply as to the amendments, but in such consecutive way as to enable us to judge of the bill. I am opposed to the desecration of the flag. At the same time there may be some innocent uses of it which should not be denied.

Mr. WARREN. I will say to the Senator that the bill as amended is almost an exact copy of the law of Connecticut and certain other States.

Mr. BACON. I am not objecting to it.

There being no objection, the bill was considered as in Committee of the Whole.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. The Committee on Military Affairs reports to strike out all after the enacting clause and to insert:

That any person who, in any manner, for exhibition or display, puts or causes to be placed any inscription, picture, design, device, symbol, name, advertisement, words, characters, marks, or notice whatever upon any flag, standard, color, or ensign of the United States, or ensign evidently purporting to be such flag, standard, color, or ensign, or who in any manner appends, annexes, or affixes to any such flag, standard, color, or ensign, any inscription, picture, design, device, symbol, name, advertisement, words, marks, notice, or token, whatever, or who displays or exhibits or causes to be placed or exhibited any flag, standard, color, or ensign of the United States, or flag, standard, color, or ensign evidently purporting to be such flag, standard, color, or ensign, upon which shall in any manner be put, attached, annexed, or affixed any inscription, picture, design, device, symbol, name, advertisement, words, marks, notice, or token whatever, or who publicly mutilates, tramples upon, or otherwise defaces or defiles any such flag, standard, color, or ensign, whether any such flag, standard, color, or ensign is public or private property, shall be fined not more than \$100, or imprisoned not more than six months, or both, for each offense: *Provided, however,* That flags, standards, colors, or ensigns, the property of or used in the service of the United States or any State, Territory, or the District of Columbia, may have inscriptions, names of actions, words, marks, or symbols which are placed thereon pursuant to law or authorized regulations.

Mr. BACON. Mr. President—if I can have the attention of the Senator from Wyoming—I presume that none of us differ in the purposes that are in view in this legislation. At the same time it ought to be guarded in such a way as not to permit it to be abused.

I wish to state a case to the Senator from Wyoming, and ask him whether the provision of this bill would make the use of it unlawful, as I am about to narrate. Of course I can judge of the bill only imperfectly from the reading of it, but I want to give an illustration: There is in the town in which I live an organization of Confederate veterans, and they have a flag under which they march on all occasions, which is a blending of the United States flag and the Confederate States flag. The purpose that they have in that is manifest to all. Usually such organizations march only under the Confederate flag, and the purpose of blending the two flags is to show that while they are loyal and devoted to the memory of the deeds of themselves and of their fathers in the civil war and to the part they took in it, they are none the less loyal to the Union under which they now live and to which they are equally loyal and equally devoted.

That is the purpose in blending the two flags, and everyone will recognize that it is a most laudable and praiseworthy purpose. In its design it is a very beautiful flag, I will say to Senators, combining as it does the most striking features of each flag. In design and execution it is the most beautiful flag I ever saw—one made at very considerable expense, in silk, with gold ornamentation, and everything that art can tastefully apply to make it a beautiful flag. It is intended to symbolize and demonstrate a very beautiful sentiment—loyalty to the past and none the less loyalty to the present.

Now, will this bill, if it should be enacted into law, make that an unlawful flag to carry?

Mr. WARREN. I will say that I did not report the bill from the committee. It was reported by the Senator from Massachusetts [Mr. LODGE], and it was reported after a long series of consideration by that Senator and two other Senators in subcommittee. During the time a hearing was granted and there were hundreds of patriotic men and women, mostly the latter, who appeared before the subcommittee. A comparison was made between all the laws of the different States and this substitute was adopted.

I of course could not say offhand, even if I could say after more thorough examination, what might be the construction of the law as to this blended flag. If the Senator had the flag here, or if it was more definitely described we might know. Possibly Senators from the States where such laws have been in force for some years can answer that question. But I want to say, generally speaking, that any flag or any use of the flag, devoted to patriotic and loyal purposes would not be complained against, nor be proceeded against under the law. It is not the intent of the law to do that. But in the absence, first, of the blended flag itself or a description of it, and in the absence, second, of the application and precedents established heretofore, and I might say furthermore of my own ignorance as to the law in its possible future application, I am unable to answer categorically yes or no the question the Senator has propounded. Possibly the Senator from Connecticut [Mr. BULKELEY] may be able to give the information.

Mr. BACON. I recognize the sentiment of course and the principle, I will say, which is back of such legislation, and I entirely sympathize with it. That legislation has been pronounced by the Supreme Court of the United States to be constitutional in a case which, I think, went up from Nebraska. I would not wish either to interfere with it or to appear to interfere with it.

Mr. WARREN. If the Senator will allow me, I want to say that the whole theory of the subcommittee and the general committee was to confine the act as closely as possible to the prevention of the willful desecration of the flag, and they selected, as I understand it, the law from one of the whole lot that would be the least, if I may use the word, offensive, and that might be the least apt to infringe upon right privileges that we did not seek to abridge in anyway. As I said, the Senator from Connecticut may be able to answer the Senator's question.

Mr. BACON. I fully understand the purpose expressed by the Senator. I approve the purpose thoroughly. The only question in my mind is whether they have entirely guarded everything so as to effectuate that purpose. I would not myself be willing to object to the consideration of the bill.

Mr. WARREN. Mr. President—

Mr. BACON. I hope the Senator will pardon me.

Mr. WARREN. I will take the liberty, if the Senator is not entirely satisfied, to ask that it shall go over until we can examine it, and it may be called up later to-day or on another occasion. If the Senator would like to have it go over, I will make the objection.

Mr. BULKELEY. Mr. President—

Mr. BACON. If Senators will pardon me a moment, I was endeavoring to say simply that the Senator himself in looking at the bill might suggest an amendment which would not exclude any use of the flag which was recognized as patriotic and loyal or for a public purpose.

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Connecticut?

Mr. BACON. I do.

Mr. BULKELEY. The senior Senator from Massachusetts [Mr. LODGE] was chairman of the subcommittee that had this matter in charge. In response to very urgent appeals from patriotic societies that some law might be passed to prevent an improper desecration, as it was called, of the flag of the United States, and after examining the various laws that had been adopted in the different States, the Senator from Massachusetts concluded that the measure as reported was the simplest and the most efficacious and free from objections that were raised against the bill originally presented.

Such a law has been in force in my own State for a number of years, and there has never been any fault found with its enforcement. It simply prevents what I think everybody concedes ought to be prevented, an improper use of the flag of our country by methods of advertising in one way and another. The bill is perfectly simple in that respect.

## COMMODITY CLAUSE OF INTERSTATE-COMMERCE LAW.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law.

Mr. DICK. On behalf of my colleague [Mr. FORAKER], who has offered a substitute for the pending joint resolution, and who because of illness is not able to be present in the Chamber, I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Ohio asks, unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.



## CONSIDERATION OF THE CALENDAR.

Mr. CARTER. I ask unanimous consent that the time for the consideration of unobjected bills on the Calendar be continued until 3 o'clock.

Mr. ALDRICH. I hardly think it will take that length of time until they can be disposed of.

Mr. WARREN. Let it be a sufficient time to conclude the Calendar.

Mr. CARTER. I think we can finish the Calendar of unobjected cases by 4 o'clock at any rate.

Mr. KEAN. We can probably finish it by 3.

Mr. CARTER. I do not wish a general unanimous-consent agreement which would preclude making a motion at any time during the session to proceed to the consideration of a bill. I will modify my request and ask unanimous consent that we continue to consider unobjected cases on the Calendar under Rule VIII until the hour of 4 o'clock, unless such cases shall have been previously disposed of.

Mr. BRANDEGEE. Mr. President, I do not desire to interfere with the passage of any uncontested matters on the Calendar, but I had intended to move, at 2 o'clock, that the Senate proceed to the consideration of the Appalachian forest-reserve bill. I have no objection to a unanimous-consent agreement to continue with the Calendar for such time as is necessary to pass the uncontested matters, with the understanding that I may have unanimous consent at the end of that time to move to take up the bill I have indicated.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the Senate continue the consideration of unobjected bills upon the Calendar under Rule VIII until 4 o'clock, unless such cases shall have been sooner disposed of. Is there objection to the request?

Mr. BRANDEGEE. I ask the Senator if he modifies his request by agreeing to my suggestion?

Mr. CARTER. I may perchance desire to move a substitute for the bill the Senator contemplates calling up for consideration.

Mr. CULBERSON. We are unable to hear on this side of the Chamber the conversation between the two Senators.

Mr. BRANDEGEE. Of course I can not control the action of the Senator from Montana on any amendment or substitute he intends to move to the bill I spoke of. I simply asked him to agree that I may move that the Senate shall proceed to the consideration of the bill. Then he can vote the way he has a mind to on it.

Mr. CARTER. To be perfectly frank with the Senator, I expect to move to proceed to the consideration of the postal savings-bank bill just as soon as the present order is disposed of, if unanimous consent shall be granted to consider unobjected cases further.

Mr. BRANDEGEE. Then, to be equally frank and perfectly courteous to the Senator, I shall have to object to his request for unanimous consent.

The VICE-PRESIDENT. Objection is made to the request of the Senator from Montana.

Mr. BACON. I hope the Senator will let us proceed with the Calendar.

Mr. ALDRICH. Let us go on and finish the Calendar.

Mr. McCREARY. Yes; under rule VIII.

Mr. PILES. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Washington?

Mr. CARTER. I yield for a question.

Mr. PILES. I suggest that unanimous consent be asked—

Mr. BACON. Senators on the other side of the Chamber fail to realize that on this side of the Chamber, unless they raise their voices, it is impossible to hear what they say, even when there is no confusion in the hall.

Mr. CARTER. Mr. President, for the benefit of the Senator from Georgia who could not hear—

Mr. BACON. No; it is not for the benefit of the Senator from Georgia, it is for the benefit of all on this side of the Chamber.

Mr. CARTER. I will modify my observation so as to include all Senators on the other side.

Mr. President, the situation seems to be this: I asked unanimous consent for a continuation of the consideration of unobjected cases until the hour of 4 o'clock unless such unobjected cases should in the meantime be disposed of. The Senator from Connecticut [Mr. BRANDEGEE] sought to have unanimous consent embrace an agreement to proceed to the consideration of another bill at the conclusion of the unobjected cases. I can not accept that qualification, and therefore the objection of the Senator from Connecticut obtains as against the continuation of unobjected cases on the Calendar.

Mr. BRANDEGEE. Mr. President, I will withdraw the objection.

The VICE-PRESIDENT. The objection is withdrawn, and without objection unanimous consent is given—

Mr. TELLER. What is the suggestion now?

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the Senate shall continue with the consideration of unobjected bills upon the Calendar under Rule VIII until the hour of 4 o'clock unless the unobjected bills are disposed of in the meantime.

Mr. KEAN. In the same way that we have been proceeding?

Mr. TELLER. Under the same terms we have been proceeding?

The VICE-PRESIDENT. Yes; without objection, it is so ordered.

## DESECRATION OF THE FLAG.

Mr. WARREN. As I am about to leave the Chamber to join a conference, I ask that the bill (S. 565) to prevent and punish the desecration, mutilation, or improper use of the flag of the United States of America may lie over and we will undertake to consider it after the return of the Senator from Massachusetts [Mr. LODGE] at some later day. I do not understand that there is any objection to the bill. It is simply to ascertain the effect of certain terms in it.

Mr. BACON. As the suggestion probably grows out of remarks which I have made, I desire to say that I will fully cooperate with the Senator from Wyoming and other Senators in the purpose that it shall be considered, and that we shall take occasion to consider it as soon as the Senator from Massachusetts returns.

The VICE-PRESIDENT. The bill will be passed over.

## PORTO RICO PROVISIONAL REGIMENT.

Mr. WARREN. Mr. President, I am called to a public duty in another place and will not be here during further consideration of the Calendar. I therefore ask that the bill (H. R. 18618) fixing the status of the Porto Rico Provisional Regiment of Infantry, which was reported from the Committee on Military Affairs, may go over under Rule IX, as I do not desire to have it considered at this time.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX, at the request of the Senator from Wyoming. The Secretary will state the next bill on the Calendar.

## JOHN F. WINGFIELD.

The bill (S. 5944) for the relief of John F. Wingfield was considered as in Committee of the Whole. It proposes to pay to John F. Wingfield, for transporting the mail on route No. 4174, in Virginia, from January 1, to March 31, 1861, the sum of \$50.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## NESTLER BREWING COMPANY.

The bill (S. 6373) waiving the statute of limitations as to the claim of the Nestler Brewing Company, and authorizing the Commissioner of Internal Revenue to adjudicate the same, was considered as in Committee of the Whole. It proposes to extend the time within which the Nestler Brewing Company, a corporation organized under the laws of the State of Utah, or its agents or legal representatives, may file a claim for the redemption of revenue stamps for a period of ninety days from and after the approval of this act, notwithstanding the provisions of the act of May 12, 1900, amended by the act of June 30, 1902; and the Commissioner of Internal Revenue is authorized to consider and adjudicate said claim upon its merits, notwithstanding any prior determination thereof.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## JOHN M. KELLY.

The bill (S. 6923) for the relief of John M. Kelly was considered as in Committee of the Whole. It proposes to pay \$2,048.70 to John M. Kelly, successor to Kelly & Hart, of New Orleans, La., the same being the balance due for dredging in Garden Key, channel at Dry Tortugas, Fla., under contract with the United States, dated January 23, 1901.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## PUBLIC BUILDING AT MARSHALL, MO.

The bill (S. 4691) to provide for the purchase of a site and the erection of a public building thereon at Marshall, in the State of Missouri, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to acquire,

by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of governmental offices in the city of Marshall and State of Missouri, the cost of the site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, not to exceed the sum of \$75,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### DECORATION AND DIPLOMA TO MAJ. C. DE W. WILCOX.

The bill (S. 5989) authorizing the Department of State to deliver to Capt. C. De W. Wilcox decoration and diploma presented by Government of France was considered as in Committee of the Whole. The bill had been reported from the Committee on Foreign Relations with an amendment, in line 3, after the word "That," to strike out "Captain" and insert "Major," so as to make the bill read:

*Be it enacted, etc., That Maj. C. De W. Wilcox, United States Army, be, and he is hereby, authorized to accept the decoration and diploma of Officier d'Académie tendered to him, through the Department of State of the United States, by the Government of the French Republic; and the Department of State is hereby authorized to deliver to him the said decoration and diploma.*

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Department of State to deliver to Maj. C. De W. Wilcox decoration and diploma presented by Government of France."

#### INDIAN LANDS IN OKLAHOMA.

The bill (H. R. 16743) for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments. The first amendment was, in section 1, page 1, line 5, after the word "to," to insert "adult;" in the same line, after the word "the," to strike out "various" and insert "following;" in line 7, after the word "except," to strike out "as to 40 acres" and insert "a homestead of 120 acres;" in line 8, after the word "Miami," to strike out "Ottawa;" in line 10, after the word "to," to strike out "twenty-four" and insert "a homestead of 40;" on page 2, line 2, before the word "Reservation," to strike out "in the Modoc" and insert "for each member of the Ottawa tribe on the Ottawa;" in line 3, after the word "may," to insert "upon application of any adult member of either of said tribes;" in line 14, after the word "allottee," to insert "for any part of his surplus lands;" and in the same line, after the word "to," to strike out "the expiration of sixty days from the passage of this act" and insert "January 1, 1909," and at the end of the section to insert the following proviso:

*Provided, That the Secretary of the Interior is hereby authorized and directed to issue patents in fee to all religious societies and organizations, severally, for the lands occupied by them within any of said reservations and heretofore reserved to such societies as shown on approved schedules of allotments.*

So as to make the section read:

That from and after sixty days from the passage of this act all restrictions as to sale, incumbrance, or taxation on lands allotted to adult members of the following tribes of the Quapaw Agency, Okla., are hereby removed, except a homestead of 120 acres of each allotment in the Quapaw, Peoria, Miami, Eastern Shawnee, Wyandot, and Seneca reservations and except as to a homestead of 40 acres for each member of the Ottawa tribe on the Ottawa Reservation: *Provided, That the Secretary of the Interior may, upon application of any adult member of either of said tribes, in his discretion, and he is hereby authorized, whenever he shall be satisfied that any allottee of said agency is competent and capable of managing his or her affairs at any time, to cause to be issued to such allottee a patent in fee simple for such portion of his or her allotment hereby reserved from sale, incumbrance, or taxation, and thereafter all restrictions as to sale, incumbrance, or taxation of said land covered by such fee-simple patent shall be removed: Provided further, That any sale, incumbrance, or contract for sale or incumbrance made or entered into by or on behalf of any allottee for any part of his surplus lands prior to January 1, 1909, or prior to the issuance of such fee-simple patent shall be absolutely null and void: Provided, That the Secretary of the Interior is hereby authorized and directed to issue patents in fee to all religious societies and organizations, severally, for the lands occupied by them within any of said reservations and heretofore reserved to such societies as shown on approved schedules of allotments.*

The amendment was agreed to.

The next amendment was, in section 2, page 2, after the word "agency," to insert "except members of the Modoc tribe;" on

page 3, in line 4, after the word "allotment," to insert "for use as a homestead, which said homestead is;" in line 6, after the word "and," to strike out "file" and insert "a description of the reserved land shall be filed;" and in line 8, after the word "agency," to strike out "a description thereof," so as to make the section read:

SEC. 2. That within sixty days after the passage of this act each allottee of the Quapaw Agency, except members of the Modoc tribe, the father, and in case of no father then the mother, and in case of no father or mother then the legal guardian, acting for the minor child, shall select the portion of each allotment for use as a homestead, which said homestead is hereby reserved from sale, incumbrance, or taxation, and a description of the reserved land shall be filed with the Secretary of the Interior, the Commissioner of Indian Affairs, or the officer in charge of said agency: *Provided, That if no such selection shall be made as above provided then the Secretary of the Interior is hereby authorized to make such selection for and in behalf of any allottee, and such selection when so made shall be conclusive evidence that such land is reserved from alienation, incumbrance, or taxation.*

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 24, after the word "purposes," to insert "and not otherwise disposed of," so as to make the section read:

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized to sell all the tribal lands within the jurisdiction of the Quapaw Agency, and all agency, school, or other Government buildings on any reservation within the jurisdiction of said agency, at public auction or by sealed bids, under such regulations as he may prescribe; and he is hereby authorized to convey all lands so sold to the purchaser thereof by patents in fee. And all lands within such agency which have heretofore been reserved for agency, school, or other purposes, and not otherwise disposed of, shall, on approval of this act, revert to the tribe within whose reservation the lands are located and be sold as tribal lands as herein provided.

The amendment was agreed to.

The next amendment was, on page 4, after line 9, to add as an additional section the following:

SEC. 5. That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the rolls of the Klamath Agency, in Oregon, those Modoc Indians now enrolled at the Quapaw Agency, in Oklahoma, formerly Indian Territory, together with their descendants living at the date of the passage of this act, and that upon the removal of any of said Indians to the Klamath Reservation, in Oregon, they shall be allotted as other Indians on said reservation, and that upon the passage of this act they be accorded all the rights and privileges of other Indians enrolled at the Klamath Agency: *Provided, That for the purposes of such removal the Secretary of the Interior be, and he is hereby, authorized to sell, under such rules and regulations as he may prescribe, all lands inherited and otherwise heretofore allotted to the members of said tribe in Oklahoma, and he is authorized to issue a patent in fee simple to the purchaser or purchasers of said lands, and all restrictions as to the sale, incumbrance, and taxation of said land shall thereupon be removed: Provided, That no action shall be taken under this section until a majority of the adult members of said Modoc tribe shall consent to such action, said consent to be given in an open council, at a meeting called for the purpose of passing upon the terms of this section, the date and place of such council to be fixed by the Secretary of the Interior.*

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

#### CAPT. CHARLES E. MORTON.

The bill (H. R. 17056) for the relief of Capt. Charles E. Morton, Sixteenth United States Infantry, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Capt. Charles E. Morton, Sixteenth United States Infantry, \$186, to reimburse him for the sum of \$186 United States currency stolen from him, without fault or neglect on his part, while he was first lieutenant, Sixteenth United States Infantry, and acting disbursing officer at Echague, province of Isabela, Luzon, Philippine Islands, and which sum he has since paid into the Treasury of the United States in discharge of his liability as such disbursing officer.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### AMENDMENT OF NATIONAL BANKING LAWS.

Mr. ALDRICH. I ask unanimous consent for the present consideration of the bill (H. R. 21871) to amend the national banking laws.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment, to strike out all after the enacting clause and insert:

That any national banking association which has circulating notes outstanding, secured by the deposit of United States bonds to an amount of not less than 50 per cent of its capital stock, and which has a surplus of not less than 20 per cent, may make application to the Comptroller of the Currency for authority to issue additional circulating notes to be secured by the deposit of bonds other than bonds of the United States. The Comptroller of the Currency shall transmit immediately the application, with his recommendation, to the Secretary of the Treasury, who shall, if in his judgment business conditions in the locality demand additional circulation, approve the same,



and shall determine the time of issue and fix the amount, within the limitations hereinafter imposed, of the additional circulating notes to be issued. In order that the distribution of notes to be issued under the provisions of this act shall be made as equitable as practicable between the various sections of the country, the Secretary of the Treasury shall not approve applications from associations in any State in excess of the amount to which such State would be entitled of the additional notes herein authorized on the basis of the proportion which the unimpaired capital and surplus of the national banking associations in such State bears to the total amount of unimpaired capital and surplus of the national banking associations of the United States: *Provided, however,* That in case the applications from associations in any State shall not be equal to the amount which the associations of such State would be entitled to under this method of distribution, the Secretary of the Treasury may, in his discretion, to meet an emergency, assign the amount not thus applied for to any applying association or associations in States in the same section of the country. Whenever after receiving notice of such approval any such association shall deposit with the Treasurer or any assistant treasurer of the United States such of the bonds described in section 2 of this act as shall be approved in character and amount by the Treasurer of the United States and the Secretary of the Treasury, it shall be entitled to receive, upon the order of the Comptroller of the Currency, circulating notes in blank, registered and countersigned as provided by law, equal in amount to 90 per cent of the market value, but not in excess of the par value of any bonds so deposited, such market value to be ascertained and determined under the direction of the Secretary of the Treasury, such additional circulating notes to be used, held, and treated in the same way as circulating notes of national banking associations heretofore issued and secured by a deposit of United States bonds, and shall be subject to all the provisions of law affecting such notes: *Provided,* That the total amount of circulating notes outstanding of any national banking association, including notes secured by United States bonds as now provided by law, and notes secured by other bonds as provided by this act, shall not at any time exceed the amount of its unimpaired capital and surplus: *And provided further,* That there shall not be outstanding at any time additional circulating notes issued under the provisions of this act to an amount of more than \$500,000,000.

SEC. 2. That the Treasurer of the United States, with the approval of the Secretary of the Treasury, shall accept as security for the additional circulating notes provided for in the preceding section, bonds or other interest-bearing obligations of any State of the United States, or any legally authorized bonds issued by any city, town, county, or other legally constituted municipality or district in the United States which has been in existence for a period of ten years, and which for a period of ten years previous to such deposit has not defaulted in the payment of any part of either principal or interest of any funded debt authorized to be contracted by it, and whose net funded indebtedness does not exceed 10 per cent of the valuation of its taxable property, to be ascertained by the last preceding valuation of property for the assessment of taxes. The Treasurer of the United States, with the approval of the Secretary of the Treasury, shall accept, for the purposes of this act, securities herein enumerated in such proportions as he may from time to time determine, and he may with such approval at any time require the deposit of additional securities, or require any association to change the character of the securities already on deposit. It shall be the duty of the Secretary of the Treasury to obtain information with reference to the value and character of the securities authorized to be accepted under the provisions of this section, and he shall from time to time furnish information to national banking associations as to such bonds as would be acceptable as security under the provisions of this act.

SEC. 3. That the legal title of all bonds, whether coupon or registered, deposited to secure circulating notes issued in accordance with the terms of this act shall be transferred to the Treasurer of the United States in trust for the association depositing them, under regulations to be prescribed by the Secretary of the Treasury. A receipt shall be given to the association by the Treasurer or any assistant treasurer of the United States, stating that such bond is held in trust for the association on whose behalf the transfer is made, and as security for the redemption and payment of any circulating notes that have been or may be delivered to such association. No assignment or transfer of any such bond by the Treasurer shall be deemed valid unless countersigned by the Comptroller of the Currency. The provisions of sections 5163, 5164, 5165, 5166, 5167, and sections 5224 to 5234, inclusive, of the Revised Statutes respecting United States bonds deposited to secure circulating notes shall, except as herein modified, be applicable to all bonds deposited under the terms of this act.

SEC. 4. That section 5214 of the Revised Statutes, as amended, be further amended to read as follows:

"SEC. 5214. National banking associations having on deposit bonds of the United States, bearing interest at the rate of 2 per cent per annum, including the bonds issued for the construction of the Panama Canal, under the provisions of section 8 of 'An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans,' approved June 28, 1902, to secure its circulating notes, shall pay to the Treasurer of the United States, in the months of January and July, a tax of one-fourth of 1 per cent each half year upon the average amount of such of its notes in circulation as are based upon the deposit of such bonds; and such associations having on deposit bonds of the United States bearing interest at a rate higher than 2 per cent per annum shall pay a tax of one-half per cent each half year upon the average amount of such of its notes in circulation as are based upon the deposit of such bonds. National banking associations having on deposit bonds to secure their circulating notes other than bonds of the United States shall pay for the first four months a monthly tax of one-half of 1 per cent upon the average amount of such of their notes in circulation as are based upon the deposit of such bonds, and afterwards a monthly tax of three-quarters of 1 per cent upon the average amount of said notes in circulation. Every national banking association having outstanding circulating notes secured by a deposit of bonds other than bonds of the United States shall make monthly returns, under oath of its president or cashier, to the Treasurer of the United States, in such form as the Treasurer may prescribe, of the average monthly amount of its notes so secured in circulation. The taxes received on circulating notes secured by bonds other than bonds of the United States shall be paid into the Division of Redemption of the Treasury and credited to the reserve fund held for the redemption of United States and other notes."

SEC. 5. That section 9 of the act approved July 12, 1882, as amended by the act approved March 4, 1907, be further amended to read as follows:

"SEC. 9. That any national banking association desiring to withdraw its circulating notes, secured by deposit of United States bonds in the

manner provided in section 4 of the act approved June 20, 1874, is hereby authorized for that purpose to deposit lawful money with the Treasurer of the United States and, with the consent of the Comptroller of the Currency and the approval of the Secretary of the Treasury, to withdraw a proportionate amount of bonds held as security for its circulating notes in the order of such deposits: *Provided,* That not more than \$9,000,000 of lawful money shall be so deposited during any calendar month for this purpose.

"Any national banking association desiring to withdraw any of its circulating notes, secured by the deposit of bonds other than bonds of the United States, may make such withdrawal at any time in like manner and effect by the deposit of lawful money or national bank notes with the Treasurer of the United States, and upon such deposit a proportionate share of the bonds so deposited may be withdrawn: *Provided,* That the deposits under this section to retire notes secured by the deposit of bonds other than bonds of the United States shall not be covered into the Treasury, as required by section 6 of an act entitled 'An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes,' approved July 14, 1890, but shall be retained in the Treasury for the purpose of redeeming the notes of the bank making such deposit."

SEC. 6. That section 5172 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 5172. In order to furnish suitable notes for circulation, the Comptroller of the Currency shall, under the direction of the Secretary of the Treasury, cause plates and dies to be engraved, in the best manner to guard against counterfeiting, and fraudulent alterations, and shall have printed therefrom, and numbered, such quantity of circulating notes, in blank, of the denominations of \$5, \$10, \$20, \$50, \$100, \$500, \$1,000, and \$10,000, as may be required to supply the associations entitled to receive the same. Such notes shall state upon their face that they will be redeemed by the United States in lawful money upon presentation at the Treasury. This pledge shall be certified by the written or engraved signatures of the Treasurer and Register, and by the imprint of the seal of the Treasury. They shall also express upon their face the promise of the association receiving the same to pay on demand, attested by the signature of the president or vice-president and cashier. The Comptroller of the Currency, acting under the direction of the Secretary of the Treasury, shall as soon as practicable cause to be prepared circulating notes in blank, registered and countersigned, as provided by law, to an amount equal to 50 per cent of the capital stock of each national banking association; such notes to be deposited in the Treasury or in the subtreasury of the United States nearest the place of business of each association, and to be held for such association, subject to the order of the Comptroller of the Currency, for their delivery as provided by law."

SEC. 7. That circulating notes of national banking associations, when presented to the Treasury for redemption, as provided in section 3 of the act approved June 20, 1874, shall be redeemed in lawful money of the United States.

SEC. 8. That the provisions of section 5191 of the Revised Statutes, with reference to the reserves of national banking associations, shall not apply to deposits of public moneys by the United States in designated depositories.

SEC. 9. That all acts and orders of the Comptroller of the Currency and the Treasurer of the United States authorized by this act shall have the approval of the Secretary of the Treasury.

SEC. 10. That all national banking associations designated as regular depositories of public money shall pay upon all special and additional deposits made by the Secretary of the Treasury in such depositories, and all such associations designated as temporary depositories of public money shall pay upon all sums of public money deposited in such associations interest at such rate as the Secretary of the Treasury may prescribe, not less, however, than 1 per cent per annum upon the average monthly amount of such deposits: *Provided, however,* That nothing contained in this act shall be construed to change or modify the obligation of any association or any of its officers for the safe-keeping of public money: *Provided further,* That the rate of interest charged shall be equal and uniform throughout the United States.

SEC. 11. That a commission is hereby created, to be called the "National Monetary Commission," to be composed of nine members of the Senate, to be appointed by the Presiding Officer thereof, and nine Members of the House of Representatives, to be appointed by the Speaker thereof.

SEC. 12. That it shall be the duty of this Commission to inquire into and report to Congress what changes are necessary or desirable in the monetary system of the United States or in the laws relating to banking, and for this purpose they are authorized to sit during the sessions or recess of Congress, at such times and places as they may deem desirable, to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, and to employ such secretaries, experts, stenographers, messengers, and other assistants as shall be necessary to carry out the purposes for which said Commission was created. The Commission shall have the power, through subcommittee or otherwise, to examine witnesses and to make such investigations and examinations, in this or other countries, of the subjects committed to their charge as they shall deem necessary.

SEC. 13. That a sum sufficient to carry out the purposes of sections 11 and 12 of this act, and to pay the necessary expenses of the Commission, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. MCCREARY. Mr. President, I will ask if it is proposed to have action this afternoon on the amendment which has just been read?

Mr. ALDRICH. It is.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The bill is before the Senate as in Committee of the Whole, and the question is on the amendment reported by the Committee on Finance.

Mr. MCCREARY. Is that a bill which was reported from the Committee on Finance to-day?

Mr. ALDRICH. It was reported to-day.

Mr. MCCREARY. And does the Senator from Rhode Island propose to have action now, without having the bill printed or giving us time to know what is contained in the amendment?

Mr. ALDRICH. The amendment is in print and it has been read. The action of the Finance Committee in reporting the bill this morning was unanimous.

Mr. McCREARY. Is this a substitute for the House bill which passed that body yesterday?

Mr. ALDRICH. It is a substitute for the House bill, and it is absolutely necessary that it should be passed promptly, unless this session is to be prolonged.

Mr. McCREARY. I was going to ask why this unusual haste in pushing the bill through?

Mr. ALDRICH. It is desired to get the bill passed so that it can go into conference to see whether it is possible to secure any action at this session of Congress.

Mr. CULBERSON. I should like to ask the Senator from Rhode Island if it was the understanding of the committee that action would be taken to-day?

Mr. ALDRICH. It was understood that action to-day was necessary to be taken if we were to finally dispose of the matter at this session. The state of the public business is such that it is absolutely necessary that prompt action shall be taken.

Mr. CULBERSON. Was it assented to by the minority of the committee?

Mr. ALDRICH. It was assented to by the minority members of the committee.

Mr. MONEY. I can speak for the members of the minority, Mr. President, if necessary. This bill is a substitute for the Vreeland bill. It is really the Aldrich bill, with some slight amendments. The action was assented to by the Democrats on the committee, the minority, who voted unanimously to report the bill to-day and also to ask for prompt action, which is necessary in order to get the bill into conference. It is a matter that can be considered in conference. There is nothing here which has not been printed.

Mr. McCREARY. I should like to ask the Senator from Mississippi a question. Is it understood that the Democrats on the committee, the minority of the Committee on Finance, were in favor of this bill?

Mr. MONEY. The minority of the committee voted in favor of reporting it out, and I suppose the minority of the Senate—I know I will—will vote to substitute the Aldrich bill for the Vreeland bill; and then, if it comes to a vote, I shall vote against the Aldrich bill or any other bill of the sort.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Finance.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. CULBERSON. Mr. President, I simply rise to state that while I regard the so-called "Aldrich bill" as preferable to the Vreeland bill, and I make no objection to the substitution, I am opposed to the passage by the Senate of the Aldrich bill as amended in this report from the Committee on Finance, because I regard it as far more objectionable than the original Aldrich bill itself.

The PRESIDING OFFICER. The question now is, Shall the amendment be ordered to be engrossed and the bill to be read a third time?

Mr. NEWLANDS. Mr. President, I should like to inquire of the Senator from Rhode Island whether any amendment proposed reaches the question of the reserves of national banks?

Mr. ALDRICH. It does not, Mr. President. This bill provides for the appointment of a commission to take up all questions pertaining to banking; and the understanding of the committee is that that commission will take up that question and report some measure regulating it in the shape of an amendment to the present law. The action to be taken now merely sends the bill to conference.

Mr. NEWLANDS. Mr. President, as I understand, the original Aldrich bill did contain a provision regarding reserves.

Mr. ALDRICH. That has not been included in the present bill.

Mr. NEWLANDS. Then I want to ask the Senator from Rhode Island whether the conference between the Senate and the House would embrace any question regarding reserves, so that the conference committee may report to both bodies a substitute for either bill covering the question of reserves?

Mr. ALDRICH. It certainly would. The House bill contains a provision regulating the reserves of all national banks, and it will be perfectly competent for the managers of the conference to report such a provision if they shall see fit to do so.

Mr. CULBERSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Texas?

Mr. NEWLANDS. Certainly.

Mr. CULBERSON. I will ask the Senator from Rhode Island if he would not regard the action of the Senate in passing the

Aldrich bill in the modified form now proposed as a practical instruction from the Senate not to insist upon the reserve clause in the original bill?

Mr. ALDRICH. The conferees on the part of the Senate would not consider themselves instructed at all, unless there should be such an expression of opinion on the part of the Senate.

Mr. CULBERSON. Probably, Mr. President, I ought not to use the word "instruct," but would not the Senator and the other conferees on the part of the Senate regard this last suggestion as the authoritative expression of the Senate, which does not include a reserve provision?

Mr. ALDRICH. Not the final and authoritative action of the Senate by any manner of means. This action sends the whole question to conference. I think the Senate can certainly trust the conferees who will be appointed, and the Senate will certainly have an opportunity to act upon the matter later on.

Mr. NEWLANDS. Mr. President, I regard the question of the relation of reserves to deposits and of capital and surplus to loans as of very much more importance than the creation of an emergency currency, and I trust that the committee of conference will take up these two questions fully and exhaustively. The great difficulty with the banking situation of three or four months ago was that the banks did not have on hand a sufficient amount of cash reserves to meet the checks of their depositors. The difficulty was with the State banks, rather than with the national banks. The statistics show that, on the average, the national banks had a cash reserve of about 18 per cent, whilst the State banks of the country had on hand a cash reserve not exceeding 5 per cent. It is utter folly, Mr. President, in my judgment, to attempt to inaugurate a safe system of banking unless we bring the State banking system into harmony with the national banking system so far as the requirements regarding reserves and capital are concerned. I have contended throughout that it was the duty of Congress not only to see to it that the national banks kept within their vaults an adequate proportion of the cash reserves required by law, but that, in the interest of interstate and foreign commerce, clearly within the regulation and control of the nation, we should so legislate as to prevent State banks engaged in interstate and foreign commerce from maintaining a system which not only imperiled the safety of their banks as financial institutions, but imperiled the safety of the entire national banking system of the country, for we may perfect our national banking system to the highest degree, yet if the State banking system be insufficient in the security offered to depositors, the danger of the State banks will affect the national banks, for depositors do not discriminate as between them—a panic is never logical—and when depositors in State banks become alarmed, the depositors in national banks, however secure they may be, also become alarmed.

The difficulty with the measure thus far considered by the Senate has been that it simply provides an emergency currency to meet the contingency of a panic when the panic is on and public apprehension is aroused. Our attention ought to be directed to so securing depositors in the matter of the capital of the banks and in the matter of reserves as against their deposits as to make a panic absolutely impossible.

#### NATIONAL CLEARING-HOUSE ASSOCIATIONS.

Mr. President, the bill coming from the other House adopts one wise provision, which has been the evolution of experience, and that is the legalization of clearing-house associations as a part of the national-bank system. These clearing-house associations have thus far been voluntary associations created by the banks themselves, partly national and partly State. They have been organized for mutual convenience and for mutual protection. We have found that it is absolutely necessary for these banks to get together in times of panic through their clearing-house associations, and thus restore public confidence by giving aid to individual banks whose financial safety was imperiled. The House bill very wisely, it seems to me, creates these associations, legalizes them, and makes them the instrumentalities through which the emergency circulation is distributed. That provision is the result of an experience of years, and it has been demonstrated that it is a wise method of meeting these great emergencies.

The Senate Committee on Finance have an opportunity to approve of this provision legalizing the national-bank clearing-house associations, and they can make such associations the agency for securing safety in the State banks as well as in the national banks.

There is not a State bank in the country that will not want to become a member of a national clearing-house association if that association has the power of issuing emergency money. If it applies for admission, the nation, the creator of these



clearing-house associations, can attach conditions to the admission, and those conditions should be that the State banks should keep the same reserves in their vaults that are required of the national banks and that their capital should have the same relation to their loans as is required or should be required under proper law—and I hope the Finance Committee will cover that—as is required or should be required of the national banks.

Such measure is simply persuasive; it is not coercive of the State; though, believing as I do, in the full power of the nation over interstate and foreign commerce, I would not hesitate to support a bill that would compel State banks, in the interest of interstate and foreign commerce, to provide such safety appliances for finance as the nation applies to State roads regarding interstate transportation. But here we have an opportunity by simple persuasion to induce State banks to comply with the national-bank requirements as to reserves and as to capital.

But it may be said that it will not do to make this change suddenly, because the national banks will then be compelled either to largely increase their reserves of gold and of lawful money, or they will be compelled to diminish their loans in order to bring their loans within the legal requirements of the provisions regarding their relation to reserves. It would, of course, be impossible in a day or in a week or in a month or in a year to secure to all the banks of the country an actual reserve, an average of even 20 per cent, for, in order to sustain the volume of bank loans which prevailed at the time of the panic, it would be necessary to have a cash reserve of at least \$2,000,000,000 in all of our banks, national and State, whereas, as a matter of fact, we had only \$1,000,000,000.

But this change can be brought about gradually, and it can be brought about by providing in this law that the banks shall be compelled to keep a certain proportion of their cash reserves in their own vaults—an increased amount—and that the State banks that become members of these associations shall similarly comply with that provision; and we should provide that it shall be gradually brought about, within a period of five years, under the direction of the Comptroller of the Currency, so that the banks will have ample time largely to increase their reserves in order to sustain the existing volume of bank loans and to meet the requirements of the future with reference to increased bank loans.

#### INCREASED USE OF SILVER.

Mr. President, there is another question which presents itself, and that is that though we may give these banks five years, or even ten years, to bring their reserves up to the requirements of the law, they will find it difficult to accomplish it if they are compelled to resort only to the existing stock of gold or the production of gold in the future. The world is struggling for gold to-day in almost as great a degree as it did ten years ago, because all the agencies of business and of enterprise have been multiplied. Properties have largely increased in quantity and value. Subjects of exchanges have largely increased in value and number, and a greater number of units of money is required because of the increasing population of the world and the increased demands of business.

It would be wise therefore to provide that the national banks should utilize something else than gold in this endeavor to increase their reserves to an amount necessary to their security and their safety. To-day we have only one billion and a half of gold in the entire country, and one billion of that is in the banks. In order to sustain the existing volume of bank loans, the banks ought to have \$2,000,000,000 of gold in their vaults.

At all events, we can gradually draw the extra half billion of gold from the pockets of the people, where it is used as current money of exchange, into the reserves of the banks, where it will stand as the basis of bank loans. That we can accomplish. How? By simply authorizing the banks to take silver bullion to the Treasury and receive in return for it limited-tender notes for an amount not exceeding \$50, and these limited-tender notes when substituted for the gold that is now in the pockets of the people and in the tills of shops and business houses of the country would serve just as useful a purpose as money of mere exchange in ordinary transactions in life where money actually passes from man to man as gold itself. And thus gradually the banks can draw into their reserves \$500,000,000 of gold, now amongst the people, and used as the common money of exchange, and make it the basis of bank loans.

Five hundred millions more of gold taken out of the pockets of the people and out of the tills of the commercial houses of the country and put in the banks will have an efficiency in exchange of five times that amount, because for every dollar of gold the banks can issue five dollars of credit, those credits being made efficient, being written upon the books of the banks and checked against by the new depositors.

#### THOROUGHGOING LEGISLATION NEEDED.

Mr. President, the treatment of this question by the Finance Committee has been simply skin-deep. They have never reached the real question. It is palliative treatment. It is not a radical cure. There is but one way of making these banks safe, and that is to provide for an average reserve of all the banks, national and State, of at least 20 per cent, but providing for it gradually and without wrenching too seriously existing conditions of finance.

The banking system can never be safe until by law the relation of capital and loans is established so that there can not exist such a condition of things that a bank with \$1,000,000 of capital can accept \$50,000,000 of deposits and loan the \$50,000,000—almost the entire money—to customers, the security in capital thus being only 2 per cent.

The Senator from Rhode Island, in answer to an interrogatory that I put to him when the question was last before the Senate, said that the old State banks regarded the safe relation of capital to loans as one to two and a half. There should be a provision of law that no bank should be permitted to loan its depositors' money to an amount more than five times exceeding its capital and surplus. Whenever it reaches that point, it should cease loaning, and it must keep its depositors' money in its vaults, where it will be responsive to their demands. If you provide that the banks shall have an average reserve of 20 per cent in lawful money and a capital of at least 20 per cent of their permitted loans, then you have, in addition to the securities in which the depositors' money is invested, the actual cash reserve on hand subject to their check, and you have an additional security of 20 per cent in the shape of bank capital and surplus. Thus the depositor has a security of 40 per cent in addition to the security in which his money is invested. Whenever you organize a banking system of this kind, it will simply follow the rules of safe financing and safe banking throughout the world, rules which until recent years prevailed in this country and in the safest States in the Union, and notably in New York State. Until you do that, you will never have a safe system of banking, however you may increase this panic money, this emergency money, that is intended simply to relieve, after an unnecessary panic has been created, the apprehension of depositors as to their security. Such apprehension should be guarded against not by Government guaranty of deposits, but by compelling the banks to have sufficient capital and sufficient reserves to give the depositors absolute security, so that their apprehensions and fears will not be aroused.

I hope the Finance Committee will take under consideration, when this matter goes into conference, certain resolutions which I have presented to-day and which I intended to present as instructions to the Finance Committee in reporting this bill to the Senate. It was my purpose to cover these questions and to have a vote of the Senate, if possible, instructing the Finance Committee to shape these amendments which I have suggested and to present them to the Senate for its action upon the House bill. So far as I am concerned, I would rather build up on the House bill with its clearing-house provisions than I would on the Senate bill.

I ask that the resolution previously submitted by me to-day be appended to my remarks.

The resolution is as follows:

*Resolved*, That the Finance Committee be instructed to report amendments to House bill No. 21871, amending the banking act, as follows: "First. An amendment providing that three-fourths of the reserves in reserve city and country banks shall be kept in their vaults, the change to be made gradually within a period of five years under the direction of the Comptroller of the Currency.

"Second. An amendment providing that no bank shall make loans of its depositors' money to an amount exceeding five times its capital and surplus, the change to be made gradually within a period of five years under the direction of the Comptroller of the Currency.

"Third. An amendment permitting State commercial banks to become members of national clearing-house associations, provided they submit to the regulations of the national-bank act regarding their capital and reserves and subject themselves to examination under the national-bank act.

"Fourth. An amendment providing a method by which clearing-house associations may avail themselves, under the direction of the Secretary of the Treasury, of the use of additional silver as a limited legal tender for debts not exceeding \$50, with a view to substituting such silver or the certificates representing it for full legal-tender money, gold or United States notes, now in circulation and outside of bank reserves, in order to increase the amount of gold and full legal-tender notes in such reserves as a basis for bank credits; the amendment to limit the amount of such issue of silver.

"Fifth. An amendment providing that the presidents of the clearing-house associations shall meet annually in Washington and shall select nine commissioners, one from each of the judicial circuits of the United States, who shall represent them at Washington as members of a banking commission, of which the Secretary of the Treasury and the Comptroller of the Currency shall be, respectively, the chairman and secretary; the duties of the commission to be advisory to the Presi-

dent, to the Secretary of the Treasury, and to Congress; and such commission to be charged with the duty of considering and recommending changes in the banking act and methods for promoting and improving interstate and international exchange."

Mr. BACON. I desire to make an inquiry of the Senator from Rhode Island. If I understand him correctly, there is in the substitute reported by the committee a provision for the appointment of a commission.

Mr. ALDRICH. A commission of nine Senators and nine Members of the House.

Mr. BACON. That is the point. The commission is limited to members of the Senate and of the House.

Mr. ALDRICH. Members of the Senate and of the House. The amendment was ordered to be engrossed and the bill to be read a third time.

Mr. GORE. Mr. President—

Mr. BAILEY. The Senator from Tennessee [Mr. TAYLOR] desires to address the Senate on this question; but I take it the chairman of the committee in charge of the bill will afford that opportunity when the bill comes back on the conference report.

Mr. ALDRICH. Undoubtedly.

Mr. BAILEY. With that understanding, I am ready for the vote.

Mr. GORE. Are amendments to the bill in order?

Mr. ALDRICH. The question is on the third reading of the bill. The amendments have been agreed to, I think. The bill has passed the stage of amendment.

The VICE-PRESIDENT. The bill has passed beyond the point where amendments are in order.

Mr. GORE. Will it reach that point again?

Mr. ALDRICH. Not now.

Mr. GORE. I ask unanimous consent—

Mr. ALDRICH. I do not think that can be done.

Mr. GORE. I ask unanimous consent to present an amendment.

The VICE-PRESIDENT. The Senator from Oklahoma asks unanimous consent to present an amendment. Is there objection?

Mr. ALDRICH. I should like to know what the amendment is.

Mr. GORE. I will state that it is the body of the bill (S. 5508) to establish a system of postal savings banks, and for other purposes, introduced by the Senator from Pennsylvania [Mr. KNOX].

Mr. ALDRICH. I shall have to object to that.

The bill was read the third time.

The VICE-PRESIDENT. The question is, Shall the bill pass?

Mr. CULBERSON. On the question of the passage of the bill as reported from the Committee on Finance I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. PILES (when Mr. ANKENY's name was called). My colleague is ill and is unable to be present.

Mr. DEPEW (when his name was called). I have a general pair with the Senator from Louisiana [Mr. MCENERY]. I transfer the pair to the Senator from New Jersey [Mr. BRIGGS] and vote. I vote "yea."

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is necessarily detained from the Chamber. I transfer it to the Senator from Washington [Mr. ANKENY] and will vote. I vote "yea."

Mr. FOSTER (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. In his absence I withhold my vote. If he were present I should vote "nay."

Mr. FULTON (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS]. I transfer it to the Senator from Ohio [Mr. FORAKER] and will vote. I vote "yea."

Mr. CULBERSON (when Mr. MILTON's name was called). The Senator from Florida [Mr. MILTON] is paired with the Senator from New York [Mr. PLATT].

The roll call was concluded.

Mr. DICK. I desire to announce the unavoidable absence of my colleague [Mr. FORAKER]. If he were here he would vote "yea."

Mr. BAILEY (after having voted in the negative). I have voted, but I desire to inquire whether the Senator from West Virginia [Mr. ELKINS] is recorded.

The VICE-PRESIDENT. He is not recorded.

Mr. BAILEY. I have a general pair with that Senator, and in his absence I think I ought to withdraw my vote. I voted "nay," and if my vote could stand, of course I would leave it

as it has been recorded, but, owing to the absence of the Senator, I withdraw it.

Mr. BACON. My colleague [Mr. CLAY] is absent from the Chamber, serving upon a conference committee. He is paired with the senior Senator from Massachusetts [Mr. LODGE]. Were he present and at liberty to vote my colleague would vote "nay."

I desire furthermore to announce by request that the senior Senator from Florida [Mr. TALLAFERRO] is necessarily absent from the Chamber, and is paired with the Senator from West Virginia [Mr. SCOTT]. If the Senator from Florida were present and at liberty to vote he would vote "nay."

Mr. ALDRICH. I will state, on the authority of the Senator from Florida, that if he were present he would vote "yea." That is the way he informed me this morning. However, it will make no difference in the result.

Mr. BACON. Not at all, but I wish to state to the Senator the ground upon which I made the announcement.

The Senator from Florida, when he left the Chamber, asked me to make the announcement, and while not specifically mentioning the bill, he did put himself in a position where I was authorized here to make the announcement I did. I was informed by one of his colleagues on the Finance Committee that if present he would vote "nay." But in view of the statement made by the Senator from Rhode Island, I feel some delicacy about it.

Mr. ALDRICH. The Senator from Florida himself is my authority for the statement I made.

Mr. BACON. Very well.

Mr. BAILEY. I suggest, although I have had no conference with the Senator from Florida, that between this measure and the House bill the Senator from Florida would favor this bill.

Mr. BACON. Yes.

Mr. BAILEY. All the Democrats on the committee did that. But as to the bill itself I imagine the Senator from Georgia is right about the position of the Senator from Florida.

Mr. MONEY. I wish to make one word of explanation, as perhaps I am responsible for the situation. I understood that the Senator from Florida had voted for the Aldrich bill, but that he would vote against the whole business. I must have made a mistake. I am quite sure the chairman of the committee has a better understanding of it than I have.

Mr. BACON. His vote is not recorded in any event, and I will simply change the announcement to the extent of saying he is paired. I desire that the colloquy shall stand just as it has been uttered here.

Mr. BORAH. I have been requested to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is ill, and therefore is absent from the Chamber. He would vote "nay," if present.

Mr. NELSON. I desire to state that the junior Senator from South Dakota [Mr. KITTREDGE] is unavoidably absent. Were he present he would vote "yea."

The result was announced—yeas 47, nays 20, as follows:

#### YEAS—47.

Aldrich	Curtis	Guggenheim	Perkins
Allison	Daniel	Hale	Piles
Beveridge	Depew	Hemenway	Richardson
Brandegee	Dick	Hopkins	Smith, Mich.
Bulkeley	Dillingham	Johnston	Stephenson
Burkett	Dixon	Kean	Stewart
Burnham	Dolliver	Knox	Sutherland
Burrows	Flint	Long	Teller
Carter	Frye	Nelson	Warner
Clapp	Fulton	Nixon	Warren
Crane	Gallinger	Owen	Wetmore
Cullom	Gamble	Penrose	

#### NAYS—20.

Bacon	Clarke, Ark.	Heyburn	Overman
Bankhead	Culbertson	McCreary	Paynter
Borah	Frazier	McLaurin	Rayner
Bourne	Gary	Money	Simmons
Brown	Gore	Newlands	Smith, Md.

#### NOT VOTING—25.

Ankeny	Elkins	McCumber	Stone
Bailey	Foraker	McEnery	Tallafarro
Briggs	Foster	Martin	Taylor
Clark, Wyo.	Hansbrough	Milton	Tillman
Clay	Kittredge	Platt	
Davis	La Follette	Scott	
du Pont	Lodge	Smoot	

So the bill was passed.

Mr. ALDRICH. I move that the Senate insist upon its amendment, and ask for a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and the conferees on the part of the Senate, to consist of five Senators, be appointed by the Chair.

The motion was agreed to.

The VICE-PRESIDENT appointed as the conferees on the part of the Senate Mr. ALDRICH, Mr. ALLISON, Mr. HALE, Mr. DANIEL, and Mr. TELLER.



Mr. BACON. As there was no record vote on the question of substitution, I desire to say for myself that as between the House bill and the substitute I very much prefer the substitute, although I voted against it when it had become the substitute. I want to state that because I thought so far as I was concerned—and I believe many others here are of the same view—the conferees should not go before the country and into conference with the assumed opposition on the part of a large number of those of us who voted against the passage of the bill. Between the two, we favor the substitute.

Mr. HEYBURN. I desire it to appear in the RECORD that I did not vote against the substitute of the Aldrich bill because I was in favor of the bill as it came from the House. I would vote against both of them.

Mr. MONEY. I should like to have one thing go on the record also. I believe every Democrat voted for the substitute—the Aldrich bill.

CHARLES H. DICKSON.

The VICE-PRESIDENT. The Secretary will report the next case on the Calendar under Rule VIII.

The bill (S. 6665) for the relief of Charles H. Dickson was announced as the next business in order on the Calendar; and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Charles H. Dickson \$256.72, to reimburse him for money taken by burglars from the safe in the office of the Fort Lapwai Indian School, in Idaho.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. ATKINS.

The bill (S. 6544) to remove the charge of desertion from the record of William H. Atkins was considered as in Committee of the Whole. It directs the Secretary of the Navy to remove the charge of desertion from the record of William H. Atkins, who served on the U. S. S. *Princeton* and *Powhatan*, and to issue to him an honorable discharge.

Mr. KEAN. Ought not the bill to be amended so as to provide that no pay, bounty, or other allowance shall accrue?

Mr. BACON. Is there a report accompanying the bill?

The VICE-PRESIDENT. There is a report accompanying it.

Mr. CULBERSON. I will relieve the situation by objecting to the further consideration of the bill.

Mr. FRYE. I hope the Senator will not do that. This is the only bill I have left on the Calendar, and the chairman—

Mr. CULBERSON. Mr. President, I surrender.

Mr. BACON. I simply ask that the report be read. I suppose the Senator will not object to that.

Mr. FRYE. The chairman told me it is the most meritorious bill of this kind that was before the committee.

Mr. CULBERSON. What attracted my attention and observation was that the man is charged with desertion, and I do not like a charge—

Mr. FRYE. But he immediately reenlisted and served through the entire war.

Mr. BACON. Very well; I do not insist on having the report read.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN SHAUGHNESSY.

The bill (H. R. 5297) to complete the naval record of John Shaughnessy was considered as in Committee of the Whole. It directs the Secretary of the Navy to so amend the naval record of John Shaughnessy, late landsman, United States Navy, on U. S. S. *Brooklyn*, as to show him honorably discharged, to date from October 9, 1864.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PLATT NATIONAL PARK, SULPHUR, OKLA.

The bill (S. 5164) to provide for the improvement of the Platt National Park, situated at Sulphur, Okla., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, on page 1, line 3, before the word "thousand," to strike out "two hundred and fifty" and insert "twenty," so as to make the bill read:

*Be it enacted, etc.,* That the sum of \$20,000 is hereby appropriated, out of any money in the United States Treasury not otherwise appropriated, for the improvement of the Platt National Park, situated at Sulphur, Okla., such money to be used and expended under the supervision of the Secretary of the Interior.

Mr. BEVERIDGE. Is there a report accompanying the bill?

The VICE-PRESIDENT. There is a report with the bill.

Mr. KEAN. I think the bill had better go over.

Mr. BEVERIDGE. I do not want it to go over, as far as I am concerned, but I should like to have the report read.

Mr. OWEN. The bill has already been disposed of in an amendment to the sundry civil appropriation bill.

The VICE-PRESIDENT. Then the bill had better be indefinitely postponed.

Mr. OWEN. I move that the bill be indefinitely postponed.

The motion was agreed to.

TOWN SITES IN OKLAHOMA.

The bill (S. 6246) authorizing the Secretary of the Interior to set aside a certain tract of land for town-site purposes was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, page 1, line 7, after the word "quarter," to insert in parentheses "(less 6.28 acres right of way of the Missouri, Kansas and Oklahoma Railway)," so as to make the section read:

That the Secretary of the Interior is hereby authorized to set aside for town-site purposes at Dewey, Okla., the south half of the northwest quarter of the northwest quarter, and the northeast quarter of the northwest quarter of the northwest quarter (less 6.28 acres right of way of the Missouri, Kansas and Oklahoma Railway) of section 28, township 27 north, range 13 east, formerly allotted to Julia Lewis, who failed to establish her citizenship in the Cherokee Nation.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 4, after the word "of," to strike out "forty" and insert "two hundred;" and in line 6, after the word "thereof," to strike out "from the said Julia Lewis" and insert "and selling all other lots therein," so as to make the section read:

That the Secretary of the Interior is directed to subdivide these lands in accordance with the present streets and alleys laid out on such lands and to dispose of such lands to the credit of the Cherokee Nation at not exceeding the price of \$200 per acre, giving the right of purchasing the lots heretofore acquired in good faith and for valuable consideration to the purchasers thereof and selling all other lots therein at public auction to the highest bidder for cash, depositing the same to the credit of the Cherokee Nation.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HAWAIIAN POSTAL SAVINGS BANK.

The bill (H. R. 11560) relating to unpaid Hawaiian Postal Savings Bank deposits was considered as in Committee of the Whole. It provides that whenever, by reason of the death of any person and the want of an executor or administrator, any demand for moneys deposited in the Hawaiian Postal Savings Bank can not be certified to by the governor of Hawaii as provided in section 102 of "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, the governor may, upon written application, certify to such demand as due to the persons satisfactorily proved to him to be the persons who would be entitled to the personal estate of the decedent by the terms of the laws of Hawaii relating to the distribution of estate of intestates, and his certificate so made, when sealed, countersigned, and approved as provided in that section for other certificates shall have the same force and effect as such other certificates.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMERICAN NATIONAL INSTITUTE, PARIS, FRANCE.

The bill (S. 6641) to incorporate the American National Institute (Prix de Paris) at Paris, France, was announced as next in order.

Mr. CULBERSON. Unless there is something specially urgent about the bill, I object to its present consideration.

Mr. FRYE. One moment. I thought the other bill was my last one, but I see that this is mine. This bill has been reported three times unanimously from the Committee on Foreign Relations. It has twice passed the Senate without opposition.

Mr. CULBERSON. It is suggested around me that this is possibly the last bill the Senator from Maine has on the Calendar, and I withdraw the objection.

Mr. FRYE. Thanks to the Senator from Texas.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELLA M. COLLINS.

The bill (S. 1750) to reimburse Ella M. Collins, late postmaster at Goldfield, Nev., for money expended for clerical assistance and supplies, was considered as in Committee of the Whole. It proposes to pay to Ella M. Collins, late postmaster

at Goldfield, Nev., \$821.08, to reimburse her for money expended for necessary clerical assistance and supplies.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

W. B. GRAHAM.

The bill (S. 6682) to reimburse W. B. Graham, late postmaster at Ely, Nev., for money expended for clerical assistance, was considered as in Committee of the Whole. It proposes to pay to W. B. Graham, late postmaster at Ely, Nev., \$3,335, to reimburse him for money expended for necessary clerical assistance.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### FARMERS AND MERCHANTS' BANK OF MANDAN, N. DAK.

The bill (S. 3723) for the relief of the Farmers and Merchants' Bank of Mandan, N. Dak., was considered as in Committee of the Whole. It proposes to pay to the Farmers and Merchants' Bank of Mandan, N. Dak., \$57, being the amount of money which was contained in registered letter No. 65130, addressed to said bank by the United States Treasurer at Washington, D. C., February 28, 1905, and destroyed in the burning of a postal car near Hyndman, Pa., March 1, 1905.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD T. LEWIS.

The bill (S. 1526) to correct the military record of Edward T. Lewis was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That Edward T. Lewis shall hereafter be held and considered to have been honorably discharged as a private of Company K, Seventy-seventh Pennsylvania Infantry Volunteers, as of date May 1, 1864; and that the Secretary of War be, and he is hereby, authorized and directed to issue to said Edward T. Lewis an honorable discharge as of that date: *Provided*, That no pay, bounty, or other emoluments shall accrue or become payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### COAL LANDS IN ALASKA.

The bill (S. 6805) to encourage the development of coal deposits in the Territory of Alaska was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, to strike out all after the enacting clause and insert:

That all persons, their heirs or assigns, who have in good faith personally or by an attorney in fact made locations of coal land in the Territory of Alaska in their own interest, prior to November 12, 1906, or in accordance with circular of instructions issued by the Secretary of the Interior May 10, 1907, may consolidate their said claims or locations by including in a single claim, location, or purchase not to exceed 2,560 acres of contiguous lands, not exceeding in length twice the width of the tract thus consolidated, and for this purpose such persons, their heirs, or assigns may form associations or corporations who may perfect entry of and acquire title to such lands in accordance with the other provisions of law under which said locations were originally made: *Provided*, That no corporation shall be permitted to consolidate its claims under this act unless 75 per cent of its stock shall be held by persons qualified to enter coal lands in Alaska.

Sec. 2. That the United States shall, at all times, have the preference right to purchase so much of the product of any mine or mines opened upon the lands sold under the provisions of this act as may be necessary for the use of the Army and Navy, and at such reasonable and remunerative price as may be fixed by the President; but the producers of any coal so purchased who may be dissatisfied with the price thus fixed shall have the right to prosecute suits against the United States in the Court of Claims for the recovery of any additional sum or sums they may claim as justly due upon such purchase.

Sec. 3. That if any of the lands or deposits purchased under the provisions of this act shall be owned, leased, trusted, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever so that they form part of, or in any way effect any combination, or are in anywise controlled by any combination in the form of an unlawful trust, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, or of any holding of such lands by any individual, partnership, association, corporation, mortgage, stock ownership, or control, in excess of 2,560 acres in the district of Alaska, the title thereto shall be forfeited to the United States by proceedings instituted by the Attorney-General of the United States in the courts for that purpose.

Sec. 4. That every patent issued under this act shall expressly recite the terms and conditions prescribed in sections 2 and 3 hereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KEAN subsequently said: I should like to have read section 3 of Senate bill 6805, which was passed a few moments ago.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Sec. 3. That if any of the lands or deposits purchased under the provisions of this act shall be owned, leased, trusted, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever so that they form part of or in any way effect any combination, or are in anywise controlled by any combination in the form of an unlawful trust, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, or of any holding of such lands by any individual, partnership, association, corporation, mortgage, stock ownership, or control, in excess of 2,560 acres in the district of Alaska, the title thereto shall be forfeited to the United States by proceedings instituted by the Attorney-General of the United States in the courts for that purpose.

Mr. KEAN. I move to reconsider the votes by which the bill was ordered to a third reading and passed. It is utterly impossible to carry out that section.

The motion to reconsider was agreed to.

Mr. KEAN. I now move to strike out section 3.

Mr. BAILEY. I am not sure as to the effect of that section, but as I caught the reading of it it seemed to be wise in its purpose, whether it is wisely drafted or not. I will venture to inquire what the bill is. I ask the Secretary to read the title.

The VICE-PRESIDENT. The bill will be read by its title.

The SECRETARY. A bill (S. 6805) to encourage the development of coal deposits in the Territory of Alaska.

Mr. BAILEY. That is so far away that I will abide by the judgment of the committee.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from New Jersey to strike out section 3.

The amendment was agreed to.

The bill was ordered to a third reading, read the third time, and passed.

#### LANDS AT CORDOVA BAY, ALASKA.

The bill (S. 6418) authorizing the sale of lands at the head of Cordova Bay, in the Territory of Alaska, and for other purposes, was announced as next in order.

Mr. TELLER. I object to the consideration of the bill.

The VICE-PRESIDENT. Objection is made by the Senator from Colorado to the consideration of the bill.

#### ALASKA TERMINAL AND NAVIGATION COMPANY.

The bill (S. 6925) for the relief of the Alaska Terminal and Navigation Company was announced as next in order.

Mr. GUGGENHEIM. I object to the consideration of the bill.

The VICE-PRESIDENT. Objection is made by the junior Senator from Colorado to the consideration of the bill.

#### INDIAN ALLOTMENTS.

The bill (S. 6775) construing certain provisions of an act of Congress entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March 2, 1889, relating to Indian allotments, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he hereby is, authorized to cause allotments to be made under the provisions of the act of March 2, 1889, entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes," to any living children of the Sioux tribe of Indians belonging on any of the Great Sioux reservations affected thereby and who have not heretofore been allotted, so long as the tribe to which such Indian children belong is possessed of any unallotted tribal or reservation lands; and where for any reason an Indian did not receive the quantity of land to which he was entitled under the provisions of the said act of March 2, 1889, the Secretary of the Interior shall cause to be allotted to him sufficient additional lands on the reservation to which he belongs to make, together with the quantity of land heretofore allotted to him, the acreage to which he is entitled under said act of March 2, 1889; and in case of the death of any such Indian the additional lands to which he is of right entitled may be allotted to his heirs: *Provided*, That the tribe to which he belonged is possessed of any unallotted tribal or reservation lands.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

The joint resolution (H. J. Res. 178) for appointment of members of the Board of Managers of the National Home for Dis-



abled Volunteer Soldiers was considered in Committee of the Whole. It provides that Thomas J. Henderson, of Illinois; Walter P. Brownlow, of Tennessee; Edwin P. Hammond, of Indiana, and Joseph S. Smith, of Maine, shall be appointed as members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States—Gen. Thomas J. Henderson to succeed himself, his term of service having expired April 21, 1908; Col. Walter P. Brownlow to succeed himself, his term of service having expired April 21, 1908; Col. Edwin P. Hammond to succeed himself, his term of service having expired April 21, 1908, and Gen. Joseph S. Smith to succeed Gen. J. Marshall Brown, whose term of service would have expired on April 21, 1908, but who died on July 20, 1907.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### INLAND WATERWAYS COMMISSION.

The bill (S. 7112) providing for the appointment of an inland waterways commission, with the view to the improvement and development of the inland waterways of the United States, was announced as next in order.

Mr. McLAURIN. Let the bill go over.

The VICE-PRESIDENT. The bill will go over at the request of the Senator from Mississippi. This completes the Calendar under the unanimous-consent agreement.

#### NATIONAL FORESTS.

Mr. BRANDEGEE. I move that the Senate proceed to the consideration of the bill (S. 4825) for acquiring national forests in the Southern Appalachian Mountains and White Mountains.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. KEAN. This bill does not displace the unfinished business?

Mr. BRANDEGEE. No; it does not displace the unfinished business. That was laid aside.

Mr. President, to my mind, the pending bill embodies a proposition which is as important to the country as any proposed legislation before this body. The argument in favor of protecting our natural resources, and especially for preserving the navigability of our navigable streams, has been so frequently presented that I do not care to rehearse it again upon this floor.

The Senator from Colorado [Mr. TELLER], who was temporarily called out of the Chamber, desires to make some remarks upon the bill, and at the conclusion of his remarks I shall take occasion to answer such objections as he may have to the measure. Pending that, I send to the desk and ask to have read by the Secretary two petitions in favor of this legislation, of which hundreds and thousands have reached this body. The petitions describe so concisely the conditions which exist and the reasons for the passage of this legislation that I send them to the desk as a type of the thousands that have been sent here. I ask that the Secretary may read them.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary proceeded to read the petition of the executive council of the Connecticut State Board of Trade.

Mr. CARTER. I inquire of the Senator from Connecticut if it would serve the same purpose to have the petitions printed in the RECORD?

Mr. BRANDEGEE. I think not, Mr. President. These are very short papers and I should like to have them read to the Senate.

Mr. TELLER. Mr. President, do I understand that the Senator expects to get up the bill under the agreement to-day?

The VICE-PRESIDENT. The bill is before the Senate on a motion.

Mr. BRANDEGEE. The Senate has voted to proceed to the consideration of the bill, I will say to the Senator from Colorado.

Mr. TELLER. What I wanted to know was whether we would be limited in our remarks as we would have been during the former part of the day.

Mr. BRANDEGEE. I think there is no limit to debate now. Mr. TELLER. I have no objection to the bill being proceeded with.

#### COAL LANDS IN ALASKA.

Mr. FLINT. Mr. President, during my absence from the Chamber the bill (S. 6805) to encourage the development of coal deposits in the Territory of Alaska was reconsidered, and a motion was made to strike out one section and then the bill was again passed. I desire to move a reconsideration of the vote by which the bill was passed.

Mr. KEAN. I have no objection to a reconsideration.

Mr. BRANDEGEE. Is that motion in order?

Mr. HOPKINS. If the Senator from California insists upon it, of course I shall not interpose, but the bill has been reconsidered once and amended by the legislative experience of the Senate, and I should like to know why the Senator now desires another reconsideration.

Mr. FLINT. I desire a reconsideration for the reason that I reported the bill from the Committee on Public Lands, and when it was reached on the Calendar it was passed by the Senate; and during my absence the bill was reconsidered and the important provision in it, according to my mind, was stricken out. The bill provides for the consolidation of certain coal claims to the amount of 2,560 acres. That is the limit to which they can be consolidated, and that provision limited the consolidation so that they could not be added to so as to make a number of consolidations. In other words, the total number of acres of coal land in Alaska in consolidation was limited to 2,560 acres. Now it is unlimited by striking out the provision.

Mr. HOPKINS. There are some other provisions, I understand, that were stricken out that were really the objectionable features. Does the Senator have any objection to the amendment that was made on the motion of the Senator from New Jersey?

Mr. FLINT. I do; if the bill is to be passed, I want it passed as it was reported from the committee.

Mr. BRANDEGEE. Mr. President, I should like to inquire whether this colloquy is proceeding by unanimous consent?

The VICE-PRESIDENT. It is proceeding by unanimous consent.

Mr. BRANDEGEE. I shall have to object to the further consideration of it at this time.

The VICE-PRESIDENT. Objection is made. The Senator from Connecticut demands the regular order.

#### NATIONAL FORESTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4825) for acquiring national forests in the Southern Appalachian Mountains and White Mountains.

Mr. BRANDEGEE. I ask that the Secretary resume the reading of petitions.

The VICE-PRESIDENT. Without objection, the Secretary will proceed with the reading of the petitions.

The Secretary resumed and concluded the reading, the petitions being as follows:

APRIL 13, 1908.

*To the House of Representatives of these  
United States in Sixtieth Congress assembled:*

We, the undersigned, of the executive council of the Connecticut State Board of Trade, do hereby respectfully petition your honorable body concerning the measure now pending before you and entitled "A bill (H. R. 10457) for acquiring national forests in the Southern Appalachian Mountains."

We are convinced that the powerful array of facts presented by Government experts and other well-known authorities at the hearing before the House Committee on Agriculture, held January 30, 1908, have clearly demonstrated that the rapid destruction of the forests on the watersheds of the mountain ranges specified is directly responsible for the alternate droughts and floods of those interstate rivers taking their sources in these mountains, thereby seriously damaging their navigability for commerce, rendering the water-power running mills and factories during the dry season useless, and causing enormous losses annually by freshet.

In our own Commonwealth, especially, we would refer you to the testimony at said hearing as to the changes in the navigability of the Connecticut River in the vicinity of Hartford, Conn., making it difficult for even light-draft vessels and steamers to reach their docks, owing to the silting of the channel and protracted low stages of water.

It having been clearly shown that it is impossible for the separate States to cope with this vast problem, and that it is for the best interests of commerce and agriculture and the general welfare that the Federal Government should undertake this work, we, as representatives of the entire business interests of the State of Connecticut, do respectfully request of your honorable body the immediate and careful attention which the subject demands, and we do further hope and pray for the speedy enactment of this vital measure.

Charles E. Chandler, president Connecticut State Board of Trade; Willard C. Warren, secretary; Edward E. Bradley, Zalmon Goodsell, Henry C. Dwight, Geo. A. Fairfield, Daniel S. Brinsmade, Richard O. Cheney, Eli C. Birdsey, Dale D. Butler, Clinton L. Allen, John McGinley, Theo. B. Beach, T. H. McKenzie, Homer S. Cummings, George E. Hinman, T. C. Richards, executive council of the State Board of Trade.

#### THE ASSOCIATION FOR THE PROTECTION OF THE ADIRONDACKS.

*To the honorable Senate and House of Representatives  
of the United States of America in Congress assembled:*

Your memorialist, the Association for the Protection of the Adirondacks, realizing the importance of the ends sought to be attained by H. R. 10457, entitled "A bill for acquiring forests in the Southern Appalachian Mountains and the White Mountains," hereby expresses its approval of the bill and respectfully urges its enactment.

Of the elementary operations of nature none is of more vital importance to the welfare of mankind than the endless circuit of moisture, rising by evaporation from the ocean, carried by the clouds inland, precipitated to the earth, and flowing by lake and stream to the sea again. But to be of value to man this supply of water, so beneficently provided, must be conserved by either natural or artificial means.

The natural, the least expensive, and the most beneficial conservers of water are the forests, between which and the fallen rain there is a reciprocal service; for while the rain on the one hand waters the trees and makes them grow for all the manifold uses to which wood products are put, the trees, on the other hand, by providing the absorbent forest floor and by retarding the melting of snows, restrain the run-off of the water so that it may be employed with economy, safety, and benefit for the equally manifold purposes of agriculture, commerce, manufacture, sanitation, and domestic use.

As nature has provided an endless round in the movement of moisture, so it has provided a similar round in the reproduction of trees; but with this difference: It has not been demonstrated to the satisfaction of science that man can do anything in the long run to increase or diminish the amount of rain precipitated; but it has been demonstrated only too lamentably that he can interrupt the round of reproduction of organic growths, with disastrous results. By the obliteration of the forests to satisfy an overreaching desire for present gain and by a careless or ignorant improvidence of future needs which takes no measures for reproduction, a double evil is wrought. Not only is the timber supply cut off, but the once beneficent rains, relieved of their natural restraint, become agents of destruction. The soil of the hillsides is washed away at a rate a thousand times faster than when protected by forest covering, and the rivers become spasmodic and unreliable—at one time dangerous torrents, at another so reduced in volume as to be valueless for agriculture, commerce, manufacture, or other practical purposes.

All of these things have been exemplified in the State of New York, and perhaps the forestry condition in no single State east of the Mississippi so closely resembles the general forestry condition in the eastern United States as does that of this State. New York was once forest covered from border to border, and if providently used, the timber supply would have been inexhaustible. But it has not so been used. The forests over a greater part of the State have been crased with no provision for reproduction, and with the result that there is to-day a visible timber supply for only about twenty-five years. This period is about the same as that estimated for the visible timber supply of the nation at large. And not only is the State, like the nation, facing a timber famine, but also mill streams once reliable have become useless in the memory of the present generation, and larger rivers have become characterized by destructive floods.

Conditions like these are imminent within the areas of the proposed Southern Appalachian and White Mountain national forests and the regions tributary thereto, unless the Federal Government, exercising its highest function—which is to provide not only for the present, but also for generations to come—steps forward and interposes the protective power which it alone has the means to command.

We need not turn to desert tracts of the Old World for warning or to the rationally managed forests of some foreign countries for encouragement. The experience of our own country is already eloquent with admonition concerning the evils of improvidence; and our knowledge of the unfailing laws of nature accords its unimpeachable warranty to our confidence concerning the beneficent results of forest protection and culture.

The considerations of public policy, of common business sense, and of humanity moving to the enactment of the bill under consideration are so powerful that we again commend it to your favorable consideration.

THE ASSOCIATION FOR THE PROTECTION OF THE ADIRONDACKS.

TRIBUNE BUILDING, New York, March 23, 1908.

Mr. BRANDEGEE. Mr. President, the bill now before the Senate has already been read and amended, and I will ask the Secretary to state the amendments which have been heretofore adopted.

The VICE-PRESIDENT. The Secretary will state the amendments to the bill which have already been agreed to.

The SECRETARY. The amendments to the bill which have heretofore been agreed to are, first, in section 1, page 1, line 3, after the words "Secretary of Agriculture," to insert "for the purpose of preserving the navigability of navigable streams."

Mr. BRANDEGEE. Now, Mr. President, I ask the Secretary to state the amendment heretofore adopted, in line 4.

Mr. TELLER. I suppose the Senator from Connecticut is simply offering these amendments.

Mr. BRANDEGEE. No. The Senator from Colorado perhaps does not know that these amendments had been agreed to by the Senate when the bill was under consideration on April 15.

Mr. TELLER. I was not aware of that fact.

Mr. BRANDEGEE. I believe that is the fact.

The VICE-PRESIDENT. That is correct.

Mr. BRANDEGEE. In section 1, lines 4 and 5, I move to strike out the words "for national-forest purposes."

The VICE-PRESIDENT. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. In section 1, page 1, lines 4 and 5, after the word "acquire," it is proposed to strike out "for national-forest purposes."

The amendment was agreed to.

Mr. BRANDEGEE. In section 3, page 2, at the end of line 23, I move to insert the words "for the purpose of preserving the navigability of navigable streams."

The VICE-PRESIDENT. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. In section 3, page 2, at the end of line 23, it is proposed to insert "for the purpose of preserving the navigability of navigable streams."

The amendment was agreed to.

Mr. BRANDEGEE. In section 6, page 4, line 1, after the word "prescribe," that section having provided as to the jurisdiction of the United States over the lands proposed to be

taken and for the sale of such parts as were adapted for agriculture, I move to amend by adding the words:

And in case of such sale the jurisdiction over the lands sold shall ipso facto revert to the State in which the lands sold lie.

The VICE-PRESIDENT. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. In section 6, page 4, line 1, after the word "prescribe," it is proposed to insert:

And in case of such sale the jurisdiction over the lands sold shall ipso facto revert to the State in which the lands sold lie.

The amendment was agreed to.

Mr. BRANDEGEE. In section 9, page 5, line 7, before the words "per centum," I move to strike out "10" and insert "25," so as to make the bill conform to the amendment which was adopted upon the agricultural appropriation bill as to the percentage of receipts from the administration of national forests which should be paid to the States.

Mr. TELLER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Connecticut yield to the Senator from Colorado?

Mr. BRANDEGEE. I do.

Mr. TELLER. Mr. President, it is not possible to hear what is going on. I suppose the Senator from Connecticut is trying to perfect his bill so as to present it to the Senate in proper shape. I have no objection to that. I am objecting to the bill, not in detail, but on principle. I have no objection to the Senator making any amendment which he thinks will improve his bill. I should like the Senator, after he gets his bill in proper shape, to have it printed, so that we may see it as he desires it to stand.

Mr. BRANDEGEE. Mr. President, I should not think that there was any occasion for reprinting the bill. The bill has simply been amended by inserting the words "for the purpose of preserving the navigability of navigable streams;" and I should not think that any reprint of the bill was necessary because a simple amendment had been adopted.

The reason for that amendment was this: It had been supposed when the bill was reported that its object was sufficiently described by the language authorizing the Secretary of Agriculture to purchase lands deemed to be "more valuable for the regulation of stream flow than for other purposes, and situated on the watersheds of navigable streams." Inasmuch as certain Senators claimed that that was not the true object of the bill, but that the true object of the bill was to take the lands for the purpose of preserving the forests, I think it is well to distinctly specify that the object of the bill is the preservation of the waters of navigable streams.

Having stated that much, if the Senator from Colorado desires to address the Senate in opposition to the measure, I have said all I care to say at this time.

The VICE-PRESIDENT. The Senator from Connecticut has offered an amendment, which will be stated.

The SECRETARY. In section 9, page 5, line 7, before the words "per centum," it is proposed to strike out "ten," and insert "twenty-five," so as to read:

That 25 per cent of all money received during any fiscal year from each national forest,

And so forth.

The amendment was agreed to.

Mr. TELLER. Mr. President, I think we who are opposed to this bill are entitled to have it printed; and if the Senator does not ask for that, I am going to ask for it myself, so that we may have by to-morrow a copy of the bill as it now stands. I do not suppose the Senator expects to pass the bill to-night.

Mr. BRANDEGEE. Very well. I have no objection to the Senator asking that the bill be reprinted, or I will ask to have it reprinted if the Senator desires it.

Mr. TELLER. I do desire it.

Mr. BRANDEGEE. So that it may be ready to-morrow. But I should like to have the Senator proceed with his remarks, if he cares to do so, now.

Mr. TELLER. Mr. President, while I do not want to tire the Senate I want to say that I will not be able to conclude to-night on this bill. So I should like to have the bill reprinted so that I may speak on it to-morrow morning if we continue the discussion of the measure.

Mr. CARTER. Mr. President, I presume under the circumstances—

Mr. BRANDEGEE. Then, Mr. President, I will not ask the attention of the Senate any further this afternoon to the bill, but will ask to have it laid aside and printed as amended.

Mr. CARTER. I move that the Senate—

Mr. TELLER. If it is agreeable to the Senator from Connecticut, I will proceed in the morning.



Mr. BRANDEGEE. That will be very agreeable.

Mr. CARTER. I move that the Senate proceed to the consideration of Calendar No. 544, Senate bill 6484.

The VICE-PRESIDENT. What is the request of the Senator from Connecticut?

Mr. BRANDEGEE. I ask that the bill be printed as amended.

The VICE-PRESIDENT. That order will be made in the absence of objection.

Mr. BRANDEGEE. I now ask that the bill be temporarily laid aside, and I also ask unanimous consent that it be made the unfinished business following Senate joint resolution No. 74.

The VICE-PRESIDENT. Is there objection?

Mr. CARTER. I think the Senate had better retain control over its time and procedure. I move that the Senate proceed to the consideration of Senate bill 6484.

Mr. BRANDEGEE. I asked unanimous consent, and I did not understand that there was any objection to my request.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Connecticut?

Mr. HEYBURN. Mr. President, I do not know that I shall be able to be present to-morrow, and I desire to make a brief suggestion in regard to this bill before it is laid aside.

This bill proposes that the Government of the United States shall purchase land for the purpose of selling it again. That is written in the bill. On a former occasion, when that was proposed in regard to certain lands in Oregon, I stated my position as being against a proposition of that kind. I do not think that the Government of the United States has the power to purchase land for the purpose of selling it again. It has engaged in many kinds of business, but never before in that character of business. This bill proposes that the Government shall appropriate \$5,000,000 for the purpose of purchasing land of private owners, and in section 6 it proposes that the Government may sell it again at such prices as may be fixed by the Secretary of Agriculture.

Mr. President, there is no provision in the Constitution of the United States that authorizes any such proceedings whatever. It has never been done and, in my judgment, it can not properly be done. The United States is authorized to acquire property for certain purposes—for its purposes—but to pay \$5,000,000 for land for the express purpose, as stated in the bill, of selling it again is entirely beyond the power of Congress.

I merely desired to state my position because the question has been previously before the Senate, and I shall be glad to have any Senator state any authority upon which such a proceeding can be based. I am not going to object to the details in regard to the bill or the creation of this forest reserve. The Government may reserve its own lands; but to purchase lands for the purpose of reserving them or for the purpose of selling them is entirely beyond any power possessed by the Government of the United States; and with that suggestion I have nothing further to say.

Mr. HOPKINS. Mr. President, before the Senator from Idaho takes his seat—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Illinois?

Mr. HEYBURN. Certainly.

Mr. HOPKINS. It seems to me that he states the language of that section a little broader than it is. In reading the section it occurs to me that it is simply a precautionary section, providing that if in the purchase of this real estate for the purpose of aiding navigation land should be acquired that would not be necessary for the purposes intended, the Government of the United States would have the right and authority to dispose of it. I think that is quite a different proposition from the one stated by the Senator.

Mr. HEYBURN. Mr. President, I think the Senator has overlooked the language of this bill contained in line 19 and the succeeding lines on page 3, which states expressly that this right shall apply to lands more valuable for agriculture. That question should be determined before the purchase of lands, if the Government has the right to purchase lands at all.

Mr. BRANDEGEE. Mr. President, will the Senator yield to me?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Connecticut?

Mr. HEYBURN. Certainly.

Mr. BRANDEGEE. I want to correct the Senator. The first section does not provide for the purchase of lands more valuable for agriculture, but quite the contrary—of lands "more valuable for the regulation of stream flow than for other purposes."

Mr. HEYBURN. I referred to the language in section 6, and not to the language in section 1.

Mr. BRANDEGEE. The language of section 6, if the Senator will allow me to call his attention to that fact—

Mr. HEYBURN. Yes; I was just going to read it.

Mr. BRANDEGEE. I wish the Senator would read, then, the whole of it.

Mr. HEYBURN. I will read that part of it that applies.

Sec. 6. That whereas small areas of land chiefly valuable for agriculture may of necessity or by inadvertence be included in tracts acquired under this act, the Secretary of Agriculture may, in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain the location and extent of such areas as in his opinion may be occupied for agricultural purposes without injury to the forests and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and offer them for sale as homesteads at their true value, to be fixed by him, to actual settlers in tracts not exceeding 80 acres in area.

Mr. BRANDEGEE. Now, will the Senator permit me to ask him a question?

Mr. HEYBURN. Certainly.

Mr. BRANDEGEE. Under that language, do I understand the Senator to claim that this bill authorizes the Government to buy land for the purpose of selling it, or is it a precautionary and a wise provision that if the Government does buy a large tract of land, and it happens to contain a piece that is fit for agriculture, which is not needed for the Government's purpose the Government may get rid of it? And what is there wrong about that?

Mr. HEYBURN. It is a violation of the very principle upon which this Government rests.

Mr. BRANDEGEE. Has not the Government the right to sell the timber on its own lands?

Mr. HEYBURN. On its own lands the Government may do as it sees fit.

Mr. BRANDEGEE. Are not these to be the Government's lands if it has bought them and paid for them?

Mr. HEYBURN. Mr. President, perhaps that may be the purpose the Senator has in mind; but unfortunately the language of the bill gives the Government the right, at the option of the Secretary of Agriculture, to sell these lands without limit. It may be found that 5 per cent or 90 per cent of these lands belong to the class that may be resold by the Government.

Mr. HOPKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Illinois?

Mr. HEYBURN. Certainly.

Mr. HOPKINS. The Senator has answered the proposition to which I was going to call his attention.

Mr. BRANDEGEE. I should like to ask the Senator this question: If the Government has a right to buy the land, has it not an equal right to sell it if it has not further use for it?

Mr. HEYBURN. I do not feel that I am called upon to answer that question. The question of the right to buy lands by the Government is limited and defined by the Constitution. It says exactly for what purpose the Government may buy the lands; and in the absence of such a provision the Government would have no right to buy any lands.

This bill proposes to give the Government, first, the right to buy lands for the purpose of creating a forest reserve; and then it provides that the Government may sell those lands, not under a rule prescribed in the act, but under a rule to be determined by the Secretary of Agriculture, and no limit is placed as to the quantity of land that may be sold nor is any price fixed.

I am not attacking this bill on a question of sentiment or because of any views that I may entertain in regard to the wisdom or unwisdom of creating forest reserves, because it is not necessary in the consideration of this bill to enter upon that question at all. I am speaking of the power of the Government to purchase lands and providing in the act allowing the purchase that the Government may resell them for agricultural purposes.

Mr. President, that question was before us in the Oregon case, and I think the sentiment of the Senate at that time was practically unanimous in support of the position that I now take. It was there provided that the Government might condemn—which is a method of purchase—lands in the State of Oregon for the purpose of subjecting them to the Reclamation Service. There was a large tract of land in Oregon, the owners of which would not agree to enter into a reclamation project, and the Department having charge of the Reclamation Service desired that Congress should enable them to acquire that land, by condemnation or otherwise. I then stated the legal proposition as I state it to-day—that it was not a question of policy, but that it was a question of power. If the Government can buy lands proposed to be purchased under this bill, it can buy

all of the lands in a State. If it can buy 1 acre for this purpose, it can buy 20,000,000 acres for this purpose. Careful legislation for the creation of this reserve should provide that the Government would only buy such lands as it intended to keep permanently for this purpose. That would be careful legislation. If we have not time to consider and make certain those provisions, we should not legislate at all. Until it is definitely determined what lands the Government will need, waiving the question of its right to purchase them, there should be no legislation upon the subject.

I have heard it stated and I have seen it in print that there will be a very large proportion of these lands that will be sold again by the Government to persons for the purpose of farming them, subject to the rules and regulations that the Forestry Service may make in regard to the conditions under which they may be farmed. That is the avowed purpose and intent of this legislation.

I am as much in favor of conserving and preserving to the use of the people the natural resources of the country as any man in this body or as anyone elsewhere, but it does not follow because you are in favor of the Government so doing that you are to make a reckless provision of this kind whereby the Government spends \$5,000,000 to acquire an indefinite tract of land or a very large tract of land—and there is no limit placed upon the amount in this bill—with the understanding expressed in the legislation itself that the Government is to resell it. That is a plain legal proposition involving the power of the Government to do this thing. Waiving the question of policy, it involves the power of the Government, and Congress should not, the Senate of the United States—

Mr. HOPKINS. Mr. President—

Mr. HEYBURN. I will yield in a moment. The Senate of the United States should not lose sight of the question of its power in dealing with this question out of sympathy with a policy or as a matter of sentiment. We are all lawmakers in this body, and we are bound to consider the question as to the extent of the power which we may exercise.

Mr. HOPKINS. Mr. President, before the Senator from Idaho takes his seat, I desire to call to his attention the fact that the bill does not provide for the condemnation of land, but that the Government is to acquire the land by purchase or gift. In acquiring land in this manner it seems to me that section 6 is a very wise provision, because it will undoubtedly occur in many instances that the owners of the real estate that is sought to be bought will not sell the necessary part that the Government must have in order to conserve the interests of this bill unless the entire farm is taken, while a portion of it may not be needed by the Government. Under such conditions there ought to be a provision in the bill, so that the land that is not needed for the purposes provided in the bill can be redispensed of by the Government.

Mr. HEYBURN. Mr. President, condemnation is purchase. There is no difference in law. It is only one method of purchase.

Mr. HOPKINS. The Senator will agree with me in this, that under condemnation proceedings the Government could go out and condemn just such land, and such only, as it needed, and could take it; but if the Government purchases the land it must take what the seller will agree to dispose of.

Mr. HEYBURN. Mr. President, this bill proceeds upon the idea that the Government will be able to obtain title to this land for the price of \$5,000,000. You can not get away from that proposition. You do not need to name the process. We are appropriating \$5,000,000 for the purpose of acquiring lands, coupled with a provision that the Government shall or may sell a part of them if it acquires them. If it acquires them, it acquires them under the provision of this act, and whether it be by purchase or gift or by the legal method of condemnation makes not the slightest difference. It is a question of the power of the Government to acquire lands for the purpose of disposing of them, either by gift or by sale or by any other method.

Mr. BRANDEGEE. Of course I can not admit that the Senator correctly states the purpose of the bill. The purpose of the bill as is perfectly plain to my mind and as it states in so many words is to preserve the navigability of navigable streams. It is not for the purpose of buying land for the purpose of selling it again at all. It proposes to buy some forests to act as a conservator of the water, to deliver it under control to the streams; and in my judgment the Government of the United States has just as good authority to buy a forest and conserve the water at the source of a navigable river as it would have to build a dam or canal in the interest of navigation.

As to selling the surplus parts of the land that are not required for that purpose, if the Senator's contention were true

the Government would be compelled to keep a lot of land that was valuable and the proceeds from the sale of which could go toward preserving the navigability of streams. It would be obliged to keep it. The Senator's theory would result in this, as it seems to me, that while the Government has the right to buy uniforms for its soldiers and ammunition and guns, it has no right to sell what it does not need after it has bought it.

Mr. HOPKINS. I desire to call the attention of the Senator from Connecticut to an instance in American history where a very large tract of land was purchased by the Government of the United States and subsequently conveyed to its citizens. I refer to the Louisiana purchase, where we paid many millions of dollars for the purpose of increasing the territory of the United States and subsequently disposed of it—land on which we now have a number of splendid States of the Union.

Mr. BACON. I should like to inquire of the Senator from Illinois if the State of Idaho was not carved out of that very property?

Mr. GALLINGER. Part of it, at least.

Mr. HEYBURN. What the Government bought was the right of sovereignty. It did not buy the land at so much an acre. It bought the right of government and the right of sovereignty in the Louisiana purchase.

Mr. BACON. How did it acquire the title to the property?

Mr. HEYBURN. The property passed by reason of the sovereignty.

Mr. BACON. The title passed.

Mr. HEYBURN. The sovereignty passed.

Mr. BACON. And the title also.

Mr. HEYBURN. I will ask the Senator how much an acre did we pay for the Louisiana purchase?

Mr. BACON. If I knew the number of acres and divided it into \$15,000,000, I could tell the Senator.

Mr. HEYBURN. There is no analogy whatever between the money paid to the French Government for the Louisiana purchase and the proposition before the Senate.

Mr. BACON. The Senator is a very able lawyer. Does not the Senator recognize the fact that we not only purchased the property, but that we actually purchased the identical land?

Mr. HEYBURN. There is no word of mention in the instrument by which we acquired the Louisiana purchase with reference to the land that came to us by virtue of that sovereignty.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Certainly.

Mr. GALLINGER. I should like to ask the Senator in the matter of the Louisiana purchase as well as the Gadsden purchase and other purchases which we have made what the sovereignty would have been worth if we had not got the land.

Mr. HEYBURN. We did not purchase it as a land purchase. If we purchased it for the purpose of ownership, we purchased it from a foreign country. The Government has never claimed or exercised the right to purchase the land of its own citizens, and I think I will not be diverted to the consideration of the Louisiana purchase in expressing my objections to the legal right of the Government to purchase land from private citizens for this purpose.

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Texas?

Mr. HEYBURN. Certainly.

Mr. CULBERSON. I should like to ask, before the Senator goes entirely from this proposition, if that question is not rather a mixed one? Did not the inhabitants within that section at the time of the Louisiana purchase themselves own land which the Government did not take by purchase? The remainder only the Government got?

Mr. HEYBURN. Yes. The Government did not purchase the private ownership of lands that were included within the Louisiana cession. It did not deal with private titles at all. It purchased whatever went with the sovereignty over that domain—nothing more.

Mr. HOPKINS. Where did the Government of the United States get the legal title which it subsequently gave to the various citizens who acquired title from the Government?

Mr. CULBERSON. That was to the public land in that territory.

Mr. HEYBURN. It never did get title to an acre of land there in private ownership.

PLATT NATIONAL PARK, SULPHUR, OKLA.

Mr. OWEN. I wish the Senator from Idaho would yield to me for just one moment.

Mr. HEYBURN. I yield for a moment.



Mr. OWEN. I move to reconsider the action of the Senate in postponing indefinitely the bill (S. 5164) to provide for the improvement of the Platt National Park, situated at Sulphur, Okla., and that it be restored to its place on the Calendar. I wish it to retain its place on the Calendar.

The motion was agreed to.

Mr. BACON. Mr. President, I am not sure that that was an infraction of the rule which the Senate has adopted to prevent a very common and very objectionable practice which obtained very largely in the Senate of interrupting Senators upon the floor for the purpose of asking the Senate to give attention to other business. I only call attention to it now—I did not do so at the time—in order that it may not appear that we have become indifferent or forgetful of that rule. I am not sure it was a violation. It was in spirit, if not in letter.

The VICE-PRESIDENT. The Senator from Georgia is quite right. In the later days of the session, when the Senate is pressed with the consideration of appropriation bills, and when many amendments must be offered to be printed, and when many Senators are necessarily absent from the Chamber on conference committees, the Chair is inclined to be liberal in the interpretation of the rule, if the Senate does not object.

Mr. BACON. I think the Chair is quite correct in that.

#### NATIONAL FORESTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4825) for acquiring national forests in the Southern Appalachian Mountains and White Mountains.

Mr. HEYBURN. I think the suggestion of the Senator from Texas is very much in point, as I understood his suggestion, that we did not undertake to acquire property in private ownership under the Louisiana purchase. We simply acquired the right which the Government had, which carried with it the right to dispose of the public lands.

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Certainly.

Mr. FULTON. The Senator will allow me to make a suggestion which probably he has covered by his answer. It seems to me that that was a cession of sovereignty over this territory to this Government by the Government of France. We took by cession the sovereignty that France exercised, and by virtue of the sovereignty of course we held the public lands within the territory.

Mr. BACON. I think if the Senator will examine—

Mr. FULTON. But I want to say this: It occurs to me that a different question, for other reasons, is presented here, and that is the right to acquire land within a State under the Constitution for any purpose other than the purposes for which the Constitution provides we may acquire it.

Mr. BACON. I think if the Senator will examine the historical facts he will become satisfied he is mistaken in saying the Government of France transferred to us the sovereignty. The fact of the business is that at the time of the purchase France was not in possession of the property. Spain was. We simply bought a contract.

Mr. HEYBURN. The fact is that there had been, a few months prior to the negotiations with the French Government, an arrangement between Spain and the French Government which had not really been consummated at that time.

Mr. BACON. That is what I say. We bought a contract.

Mr. HEYBURN. Yes.

Mr. FULTON. I should like to make the further suggestion, though, that Mr. Jefferson, under whose banner the Senator from Georgia, I believe, marches, doubted, indeed denied, that we had the constitutional authority to do that.

Mr. BACON. That is a side question which I do not want to stop to discuss. It has been discussed a good many times. I plead guilty to marching under the banner of Jefferson. I am only sorry the Senator from Oregon does not.

Mr. FULTON. I knew the Senator was proud of it. That is why I mentioned it.

Mr. HEYBURN. Mr. President, I do not intend, so far as my action is concerned, to protract the consideration of this question further than to call attention to this question of power, in order that it may not be said hereafter that the attention of the Senate was not directed to that question.

If the Government can purchase this land for this purpose and dispose of it as provided by section 6 of the pending bill, then, if in the judgment of the Government a community of farmers in any State of the Union are not making the best use of the land, the Government may purchase it for the purpose of redistribution to others who, in the opinion of the Government, may make better use of it.

Mr. SUTHERLAND. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SUTHERLAND. I quite agree with what the Senator from Idaho says to the effect that the Government of the United States has no power to engage in the business of buying and selling land. The Government has no right to purchase a piece of land for the express purpose of selling it again. I agree with him about that. But the Government of the United States has the right, for example, to acquire land for the purpose of a military post. The Senator will agree with me about that.

Mr. HEYBURN. The Constitution gives it that right.

Mr. SUTHERLAND. Yes. Now, suppose the Government had under an act of Congress purchased a large tract of land for a military post, and that it should thereafter turn out that certain small areas were not necessary for military uses, would the Senator say that Congress could not authorize a sale of those small areas?

Mr. HEYBURN. No, Mr. President, I would not say so, because Congress may under the law dispose of property that is no longer needed for governmental purposes.

Mr. SUTHERLAND. One other question.

Mr. HEYBURN. All right.

Mr. SUTHERLAND. If Congress has the power, after the property has been acquired for a specified purpose, to dispose of small areas that are not needed for that purpose, may it not legally provide in advance that if it shall turn out by inadvertence or in any other way that certain small portions of the tract to be acquired for a legitimate purpose are not needed for that purpose, they may be disposed of?

Mr. HEYBURN. Are we to act on the assumption that we are acting inadvertently? That is the conclusion which naturally arises from the suggestion of the Senator from Utah. It is an assumption and a tacit admission that at the time of the enacting of the legislation we are probably acting inadvertently. Are we in the habit of enacting laws which at the time of their enactment are probably inadvertent?

Mr. SUTHERLAND. I am not speaking of the legislation as being seemly, but I am speaking of it from the standpoint of being legal. We have the power to do that; and I understood the Senator from Idaho was attacking section 6 upon the ground that we had power to pass it; not that it was not seemly legislation.

Mr. HEYBURN. The conditions cited by the Senator from Utah with reference to the purchase of land for military reservations or like purposes have no application whatever to a bill which proposes to purchase land for the purposes mentioned in this bill. It is a constitutional power especially given to Congress to acquire lands for necessary military purposes. The language of the Constitution restricts the power to acquiring land for necessary purposes; not for speculative purposes—for the purpose of determining afterwards whether we may or may not need them—but for necessary purposes.

The Senator will not claim for one moment that the doctrine suggested by him might be extended to the case which I have cited of the Government purchasing land, because in its judgment the land may be disposed of by the Government to persons who will make a better use of it or a more profitable use, either in the interest of individuals or in the interest of the Government. There is no analogy between the cases.

Mr. SUTHERLAND. I do not understand that the Senator from Idaho, in attacking the provisions contained in section 6, is claiming that the general purpose of the bill is beyond the power of Congress. That is an entirely different matter.

Mr. HEYBURN. I reserved that point, because I did not care to confuse the consideration of two legal propositions—of the right to purchase for the purposes of this bill.

Mr. SUTHERLAND. Then the Senator in making his argument with reference to section 6 is at least conceding, for the sake of argument, that the bill is valid in its general purpose.

Mr. HEYBURN. I so stated.

Mr. SUTHERLAND. Yes.

Mr. HEYBURN. But I concede it only for the purpose of the argument.

Mr. SUTHERLAND. So conceding, what difference in principle is there between the case presented by this bill and the illustration I gave the Senator with reference to the purchase of land for military reservations?

Mr. HEYBURN. The difference is found in the language of section 6.

Mr. SUTHERLAND. In other words, the proposition to which I invite the attention of the Senator is this: Assuming,

for the sake of argument, that Congress has a right to pass a law providing for the purchase of lands of this character for the purpose of protecting its navigable streams, then, if it turns out after the purchase has been made that certain small areas are not necessary for that purpose, they may be disposed of; Congress may afterwards authorize them to be disposed of; and if Congress could do it afterwards, so far as the question of power is concerned, I see no reason why Congress could not provide for it in advance.

Mr. HEYBURN. Unfortunately for the argument of the Senator, section 6 does not base it upon the question of necessity, but leaves it to the discretion of the Secretary of Agriculture.

Mr. President, we must take this bill as it is before us, and not as it might have been written. The bill contemplates upon its face the reselling of this property for the very purpose to which it is now devoted—agriculture. The Government might, under the policy insisted upon by the Senator from Utah and by the Senator in charge of this bill, purchase farms that were not, in the judgment of the Government, being well administered, in order that it might experiment and see whether or not it could put them to a better use, and then in the event that it could not put them to a better use, retain the right to resell them for the same purposes for which they were devoted when the Government purchased them.

It seems to me the whole case is so entirely devoid of any basis of legal right on the part of Congress that it ought to fall by the weight of its own terms.

Mr. NELSON. Will the Senator from Idaho yield to me for a moment?

Mr. HEYBURN. Certainly.

Mr. NELSON. I desire to call the attention of the Senator from Idaho to the language of the treaty under which we acquired the Louisiana purchase.

Mr. HEYBURN. I have it in mind.

Mr. NELSON. Paragraph 1 of the treaty, after reciting the fact that the French Republic had acquired the cession from Spain, goes on to say:

And whereas, in pursuance of the treaty—

Referring to the Spanish treaty—

and particularly of the third article, the French Republic has an incontestible title to the domain and to the possession of the said territory: The First Consul of the French Republic desiring to give to the United States a strong proof of his friendship, doth hereby cede to the said United States, in the name of the French Republic, forever and in full sovereignty, the said territory, with all its rights and appurtenances, as fully and in the same manner as they have been acquired by the French Republic, in virtue of the above-mentioned treaty, concluded with His Catholic Majesty.

In the cession made by the preceding article are included the adjacent islands belonging to Louisiana, all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices which are not private property.

The Government acquired this land from France. It acquired it by a cession. A part of that same land was given by the United States to the State of Idaho, sections 16 and 36 for school purposes, and then a lot for a State university and other public buildings. So the Government of the United States, according to the theory of the Senator from Idaho, has been proceeding in this matter unconstitutionally. A good deal of the rest of the land which was not given to the State of Idaho the Government of the United States has disposed of in various ways under its land laws—the homestead law, the cash entry, the stone and timber act, the desert-entry law, and other land laws. It has disposed of to its own citizens the very land it purchased for \$15,000,000.

Mr. GALLINGER. Idaho ought to make a recession of that land.

Mr. NELSON. Inasmuch as the whole thing, according to the Senator's theory, has been unconstitutionally done, why can not the Government reclaim all the property given to the State of Idaho, at all events.

Mr. HEYBURN. I will say, with all respect to the Senator from Minnesota, that I am astonished that he should present such an argument and offer such conclusions. I will ask the Senator from Minnesota if in his judgment as a lawyer the United States Government, acting through Congress, could purchase his land in Minnesota for the purpose of selling it to somebody else?

Mr. NELSON. With my consent, certainly; and the United States could take my whole farm on which I live under the power of eminent domain, if it saw fit. It might want to build a military post there.

Mr. HEYBURN. Ah, there is the nub of the entire proposition. It could build a military post.

Mr. BRANDEGEE. Or other governmental purposes.

Mr. NELSON. It might want it for a seed farm to raise seed for the Agricultural Department.

Mr. HEYBURN. My question is, Can they take it by purchase from the Senator for the purpose of selling it to some other farmer or with a view of selling it to some other farmer? With all respect to the arguments which have been made, it seems to me they are sophistical.

The proposition here and the acquisition of lands under the treaty with France is not a subject for comparison at all. We took by the terms of the treaty the sovereignty, which carried with it not lands held in private ownership, but lands belonging with the sovereignty and as a part of it. They passed to us because we were granted the sovereignty which controlled them in the absence of private ownership. But we took not one acre of privately owned land by virtue of the purchase of the Louisiana tract, as it is generally designated, which was in fact a price paid for the cession of sovereignty.

Mr. NELSON. Will the Senator from Idaho allow me a question?

Mr. HEYBURN. I desire to answer a suggestion by the Senator, which somewhat astonished me, when he compared the propositions contained in this bill with the granting of lands by the Government to a State for educational purposes. The Government of the United States became the sovereign owner of the public lands, which could not be held in private ownership, and being such sovereign owner it conferred upon the State the right to the use and ownership of those lands. It had that right. But that, because it had and exercised that right, it could purchase a farm for the purpose of selling it to some other farmer, will not appeal to any legal mind.

Mr. President, just take into consideration in connection with this section 3, which contains an admission that gives away this entire proposition. Section 3 provides—

That no deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this act until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for national-forest purposes.

There is a concession that gives away the whole proposition. The Government here must get the consent of the State to purchase these lands. Under what clause of the Constitution does the Government of the United States have to get the consent of the State in which the lands of private individuals are situated to purchase the land of private individuals?

Mr. GALLINGER. What clause of the Constitution prohibits it?

Mr. BRANDEGEE. That provision, of course, was not necessary to the acquiring by the Government of land within the State, but was simply put in so that if there should be any State that does not want a forest reserve in the State the Government would not do it against the wishes of the State.

Mr. HEYBURN. I was addressing my objection to the question of power. I am inquired of sotto voce by the Senator from New Hampshire [Mr. GALLINGER] what provision there is to be found in the Constitution that prevents it. That is not a fair test of the powers of Government in any case, so far as the acquisition of property is concerned, inasmuch as the Constitution has dealt with that question and limited in express terms the purposes for which, and the conditions under which, the Government may acquire real estate.

Mr. BRANDEGEE. Is not one of those expressly enumerated powers which the States gave to the United States Government the right to regulate commerce among the States, and does not that include the right to preserve the navigability of our rivers and streams?

Mr. HEYBURN. Mr. President, the argument is as far-fetched as though you were to provide for watchmen to awaken the engineers on a railroad train in order that the train might engage in interstate commerce. There is no more reason or argument behind that, and it would not be so absurd a proposition.

Mr. CARTER. Does the Senator contend that the United States Government can not purchase land in a State without consulting the State?

Mr. HEYBURN. I do not contend it, and I have no defense to make of the section which undertakes to state that principle, which is section 3.

Mr. CARTER. Now, that question being answered by the Senator in that fashion, permit me to suggest to him that undoubtedly this section has in contemplation the cession by the State of police power over these forests to the General Government. In the absence in that cession of jurisdiction of course the State rules and regulations would be supreme in all police matters within the State.

Mr. HEYBURN. Under what provision of the Constitution does the Government of the United States exercise police powers of this kind, I would ask the Senator?

Mr. CARTER. Unquestionably the Congress of the United



States has supreme authority in managing the public domain of the United States and the property of the United States. But that is apart, if the Senator will permit me a moment. The question of the jurisdiction of a State for police purposes within the limits of a State can not be ousted by the ownership of land within the State by the Federal Government.

Mr. HEYBURN. I am glad to hear that stated by the Senator from Montana. I had contended for it.

Mr. CARTER. But in this case the Senator from Idaho quarrels with the proposed statute for the reason that it contemplates a cession to the United States of jurisdiction now in the State for the Federal purposes contemplated by this act.

Mr. HEYBURN. Mr. President, the State does not cede jurisdiction to the United States except within the limitations of the Constitution of the United States. Does the Senator contend that a State can concede to the United States its police power over property held in private ownership in a State? Not for a moment would the Senator contend that.

Mr. CARTER. There is no contention of that kind.

Mr. HEYBURN. If the Government can not acquire this property under the provisions of the law, then the State can add nothing to the jurisdiction of the United States, and if the Government can acquire it, it needs no assistance from the State to have jurisdiction.

Now, a word as to the proposition that these lands are being acquired in order that the Government may exercise police control over them in the interest of preserving the water supply. The purposes stated in the bill are that the lands shall be acquired for the purpose of creating a forest reserve, and the bill undertakes to provide in detail how that jurisdiction shall be exercised and under what rules and regulations the forest reserve to be created shall be managed and controlled.

We have been confronted of late with the proposition that the Government of the United States has an especial interest in conserving the water supply and controlling the use of the waters in each of the States. The Government not only has no interest in it, but it has no power to undertake it. The rivers in the States are under the control of the State government. The State can not confer sovereignty upon the General Government over anything except as provided in the Constitution, and the Constitution is a grant of powers limited by its terms.

Mr. President, I have said more than I had intended to say in regard to the question of the power of the Government to acquire land for the purposes specified in the bill, but I might have taken up the question of the right of the Government to acquire any land beyond the powers conferred in the Constitution.

Mr. BRANDEGEE. I should like to ask the Senator from Idaho if the Government has not as much authority to preserve a forest for the purpose of preventing the soil from washing down and filling up the channels of rivers as it has to spend the money of the Government in digging out the mud of the rivers, as we do by millions in the river and harbor bill, or, as is suggested to me, in building a levee?

Mr. HEYBURN. That question in the abstract might be answered in the affirmative, but as applied to the provision under consideration, I answer it unqualifiedly in the negative. Is the Government to undertake to regulate the rainfall and the conservation of the rain? Then, why does not the Government build great reservoirs at the heads of all the rivers, in order that the water may be released in seasons of drought?

Mr. GALLINGER. It does at the headwaters of the Mississippi.

Mr. BRANDEGEE. I understand that that very thing has been done by the Government at the headwaters of the Mississippi.

Mr. GALLINGER. I observed to the Senator from Idaho that that very thing has been done at the headwaters of the Mississippi. I have had the privilege of looking at those great reservoirs.

Mr. HEYBURN. The purpose for which those reservoirs were created, as expressed in the law under which they were created, has no reference whatever to the washing out of the channels in the rivers.

Mr. GALLINGER. No; but it has reference to improving the navigability of the rivers by holding the water back and in dry seasons letting it go out; and the contention is that it does accomplish that very purpose. I do not know whether it does or not, but that is the contention.

Mr. HEYBURN. It was not the purpose expressed in the legislation. I will not protract this discussion by going into all the dam bills or the bills providing for the construction of reservoirs that the Government has made appropriations for.

Mr. BRANDEGEE. Mr. President, unless there is some other

Senator who desires to speak on the bill this afternoon, a reprint of the bill having been ordered by the Senate with the understanding that it is to be completed to-morrow, I ask unanimous consent that the bill may be laid aside and that it be made the unfinished business, subject, however, to the priority of the present unfinished business.

The VICE-PRESIDENT. The Senator from Connecticut asks—

Mr. CARTER. Before that question is disposed of, to the end that we may secure a more extensive understanding, I ask unanimous consent that immediately after the conclusion of the routine morning business on Monday next Senate bill 6484, known as the "postal savings bank bill," be taken up, and that a final vote be taken on the pending amendments and on the bill before adjournment on that day.

Mr. GALLINGER. The Senator will perceive by examining the Calendar that the Senator from Connecticut [Mr. BULKELEY] has given notice that immediately following the morning business on Monday he would ask the Senate to consider a certain bill.

Mr. CARTER. I make my request for Tuesday, then.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Montana?

Mr. TELLER. I will object to the postal savings bank bill being made a special order for either Monday or Tuesday.

The VICE-PRESIDENT. Objection is made to the request of the Senator from Montana.

Mr. CARTER. Then I give notice that immediately upon the conclusion of the morning business to-morrow I will move that the Senate proceed to the consideration of Senate bill 6484, known as the "postal savings bank bill."

The VICE-PRESIDENT. The Senator from Connecticut asks unanimous consent that the pending bill be temporarily laid aside and that it be made the unfinished business, subject to the unfinished business now.

Mr. TELLER. And appropriation bills.

Mr. BRANDEGEE. Oh, certainly.

The VICE-PRESIDENT. And appropriation bills.

Mr. CARTER. I can only consent to the request of the Senator subject to the notice I have given, and I reserve the right to make the motion to which I have referred.

The VICE-PRESIDENT. Is there objection to the request? The Chair hears none, and it is so ordered.

#### MERRIMAC RIVER AND OTHER BRIDGES.

Mr. CULBERSON. Mr. President, I should like to introduce a joint resolution to correct a bill and to have it considered at this time. I will state that unless the bill is corrected it will be valueless. It has left the Senate and has left the House, but has not reached the President.

The joint resolution (S. R. 90) to amend an act authorizing the construction of bridges across navigable waters, etc., was read the first time by its title and the second time at length, as follows:

*Resolved, etc., That the bill (S. 4809) entitled "An act authorizing the construction of bridges across navigable waters, and to extend the time for the construction of bridges across navigable waters, and to legalize the construction of bridges across navigable waters," be, and the same is hereby, corrected, so that the name St. Louis, Brownsville and Mexico Railway Company, as used therein, be changed to the Brownsville and Gulf Railway Company.*

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 21875. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1909, and for other purposes; and

H. R. 21897. An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 4809. An act authorizing the construction of bridges across

navigable waters, and to extend the time for the construction of bridges across navigable waters, and to legalize the construction of bridges across navigable waters;

H. R. 13577. An act providing for the resurvey of certain public lands in the State of Nebraska;

H. R. 16770. An act granting land to Anna Johnson; and  
H. R. 17056. An act for the relief of Capt. Charles E. Morton, Sixteenth United States Infantry.

#### COAL LANDS IN ALASKA.

Mr. FLINT. I ask unanimous consent for a reconsideration of the vote by which the bill (S. 6805) to encourage the development of coal deposits in the Territory of Alaska was passed.

The VICE-PRESIDENT. The Senator from California asks unanimous consent that the vote by which Senate bill 6805, to encourage the development of coal deposits in the Territory of Alaska, was passed be reconsidered. Is there objection?

Mr. TELLER. There is a pretty thin Senate here to reconsider a vote. I want to know what is the purpose of the Senator? Does he propose to bring the bill again before the Senate?

Mr. FLINT. I shall ask to have the bill placed on the Calendar after having an amendment to the bill reconsidered.

Mr. TELLER. I do not object, Mr. President.

Mr. KEAN. I have no objection to the motion, but I do object to the section that was stricken out being replaced in the bill.

The VICE-PRESIDENT. Is there objection? If not, the votes by which the bill was ordered to a third reading and passed are reconsidered.

Mr. KEAN. The bill is on the Calendar?

The VICE-PRESIDENT. It is.

Mr. KEAN. I object to the consideration of the bill. I move that the Senate proceed to the consideration of executive business.

Mr. NEWLANDS. I desire to give a notice.

Mr. KEAN. I yield for that purpose.

#### INLAND WATERWAYS COMMISSION.

Mr. NEWLANDS. I desire to give notice that to-morrow, after the close of the morning business, I will move the Senate for the immediate consideration of the bill (S. 7112) providing for the appointment of an Inland Waterways Commission, with the view to the improvement and development of the inland waterways of the United States.

Mr. TELLER. I think that will interfere with the rule the Senator from Connecticut [Mr. BRANDEGEE] has had made.

Mr. McLAURIN. I was just going to make that suggestion.

Mr. TELLER. That is my information. The Senator from Connecticut asked unanimous consent that the bill which he has in charge should be the order of business in the morning.

Mr. McLAURIN. And consent was given to that.

Mr. TELLER. Consent was given. The Senator from Nevada had better change the day.

Mr. NEWLANDS. Could the Senator suggest another convenient hour to present the matter?

Mr. TELLER. I judge that the bill the Senator from Connecticut has in charge will take the best part of the day. Probably the Senator had better name another day, say Tuesday.

Mr. NEWLANDS. Then, I will say, after the disposition of the bill which the Senator from Connecticut has in charge I will move the Senate to take up for consideration the bill which I have indicated.

Mr. CARTER. I call the attention of the Senator from Nevada, and likewise of the Senator from Colorado, to the fact that the unanimous consent sought by the Senator from Connecticut, and accorded to him, was with the understanding that immediately after the close of the routine business in the morning I will make a motion to proceed to the consideration of the postal savings bank bill.

Mr. TELLER. I did not understand that.

Mr. CARTER. That was the—

Mr. TELLER. I do not desire to interfere, only I thought the Senator from Connecticut had gone out of the Chamber. I am going to speak on the bill. I can speak to-morrow or some other day.

#### HOUSE BILLS REFERRED.

H. R. 21875. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1909, and for other purposes, was read twice by its title and referred to the Committee on Military Affairs.

H. R. 21897. An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, and improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other

purposes, was read twice by its title and referred to the Committee on Public Buildings and Grounds.

#### COAL LANDS IN ALASKA.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

Mr. FLINT. I ask the Senator to withhold his motion for a moment.

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from California?

Mr. KEAN. Certainly.

Mr. FLINT. I ask the Senate to reconsider the vote by which the amendment was adopted to the bill (S. 6805) to encourage the development of coal deposits in the Territory of Alaska.

The VICE-PRESIDENT. The Senator from California asks the Senate to resume the consideration of the bill with a view to reconsidering the vote by which the amendment was agreed to. The Chair hears no objection, and the question is on agreeing to the motion to reconsider.

Mr. KEAN. I suggest that the Senator from California let that motion be pending.

Mr. FLINT. I simply want to have the bill as it was originally reported to the Senate, and then have it placed on the Calendar. I do not care to ask for any action on the bill at this time.

Mr. KEAN. Very well; I do not object.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the vote is reconsidered.

#### EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After sixteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Saturday, May 16, 1908, at 12 o'clock meridian.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate May 15, 1908.*

#### PROMOTIONS IN THE NAVY.

Commander Nathaniel R. Usher to be a captain in the Navy from the 23d day of April, 1908 (subject to the examinations required by law).

#### POSTMASTERS.

##### IDAHO.

Sadie Louella Richmond to be postmaster at Culdesac, Nez Perce County, Idaho.

##### ILLINOIS.

Ebenezer J. Allison to be postmaster at Chester, Randolph County, Ill.

##### INDIANA.

John H. Hilty to be postmaster at Berne, Adams County, Ind.,

##### KENTUCKY.

William C. Balee to be postmaster at Guthrie, Todd County, Ky.

Colmore L. Barnes to be postmaster at Elizabethtown, Hardin County, Ky.

Samuel L. Gatrell to be postmaster at Midway, Woodford County, Ky.

Terry T. Hanberry to be postmaster at Eddyville, Lyon County, Ky.

John S. Miller to be postmaster at Greenville, Muhlenberg County, Ky.

Frank W. Rice to be postmaster at Wilmore, Jessamine County, Ky.

Charles F. Troutman to be postmaster at Shepherdsville, Bullitt County, Ky.

John B. Weller to be postmaster at Bardstown, Nelson County, Ky.

Wallace R. Wood to be postmaster at Elkton, in the county of Todd and State of Kentucky.

##### MARYLAND.

Richard E. Bouldin to be postmaster at Bel Air, Harford County, Md.

##### MISSOURI.

Albert J. Caywood to be postmaster at Laclede, Linn County, Mo.

Marvin E. Gorman to be postmaster at Mansfield, Wright County, Mo.

Martin L. Howard to be postmaster at Republic, Greene County, Mo.



Percy P. Hummel to be postmaster at Laddonla, Audrain County, Mo.  
 Isaac V. McPherson to be postmaster at Aurora, Lawrence County, Mo.  
 Jennie A. Mahan to be postmaster at Knobnoster, Johnson County, Mo.  
 Thomas B. Milton to be postmaster at Carl Junction, Jasper County, Mo.  
 Rachael A. Smith to be postmaster at Deepwater, Henry County, Mo.

## MONTANA.

Patrick H. Tooley to be postmaster at Moore, Fergus County, Mont.

## PENNSYLVANIA.

Harry J. Boyde to be postmaster at Beaver, Beaver County, Pa.  
 William H. D. Godshall to be postmaster at Lansdale, Montgomery County, Pa.  
 Edwin F. Luckenbach to be postmaster at Mauch Chunk, Carbon County, Pa.

## TENNESSEE.

John P. Gibbs to be postmaster at Dresden, Weakley County, Tenn.  
 William B. Pickering to be postmaster at Carthage, Smith County, Tenn.  
 John Rains to be postmaster at Etowah, McMinn County, Tenn.

## TEXAS.

J. L. Burke to be postmaster at Elgin, Bastrop County, Tex.  
 Samuel H. Cole to be postmaster at McKinney, Collin County, Tex.  
 J. Wed Davis to be postmaster at Teague, Freestone County, Tex.

## VERMONT.

William O. Williams to be postmaster at West Pawlet, Rutland County, Vt.

## HOUSE OF REPRESENTATIVES.

FRIDAY, May 15, 1908.

[Continuation of the legislative day of Tuesday, May 12, 1908.]

The recess having expired, at 11 o'clock and 30 minutes a. m. the House was called to order by the Speaker.

## MILITARY ACADEMY BILL.

Mr. PARKER of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 21875) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1909, and for other purposes, as amended.

The SPEAKER. The gentleman from New Jersey moves to suspend the rules and pass the Military Academy appropriation bill, with amendments. The Clerk will report the bill and amendments.

Mr. HAY. Before the bill is reported I would like to ask the gentleman from New Jersey about the time—whether the gentleman expects to pass the bill under the suspension of the rules, with the usual twenty minutes' debate?

Mr. PARKER of New Jersey. With the usual twenty minutes' debate on a side.

The Clerk read the bill, as follows:

A bill (H. R. 21875) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1909, and for other purposes.

Be it enacted, etc., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Military Academy for the fiscal year ending June 30, 1909:

## PERMANENT ESTABLISHMENT.

For pay of seven professors, \$27,000;  
 For pay of one chaplain, \$2,400;  
 For pay of the master of the sword, \$2,400;  
 For pay of cadets, \$300,000;  
 In all, for permanent establishment, \$331,800.  
 For extra pay of officers of the Army on detached service at the Military Academy:  
 For pay of one Superintendent of the United States Military Academy (colonel), in addition to pay as major, \$1,000;  
 For one commandant of cadets (lieutenant-colonel), in addition to pay as captain, \$1,100;  
 For pay of one professor of ordnance and science of gunnery (lieutenant-colonel), in addition to pay as captain, \$1,000;  
 "That the Secretary of War may detail an officer of the Medical Corps of the Army to the Military Academy as professor to teach military hygiene." Provided such officer receives no extra compensation therefor.  
 For pay of one instructor of practical military engineering (major), in addition to pay as captain, \$600;  
 For pay of eight assistant professors (captains), in addition to pay as first lieutenants, \$3,200;  
 For pay of two battalion commanders (majors), in addition to pay as captains, \$1,200;  
 For pay of four senior assistant instructors of cavalry, artillery, and

infantry tactics and ordnance and gunnery and practical engineering (captains), in addition to pay as first lieutenants, \$1,600;

For pay of seven instructors of cavalry, artillery, and infantry tactics (captains), in addition to pay as second lieutenants, \$4,900;  
 For pay of one adjutant, in addition to pay as second lieutenant, \$700;

For pay of one treasurer and quartermaster and commissary of cadets, in addition to pay as captain, \$600;

For pay of one line officer, on duty in quartermaster's depot at academy, in addition to pay as first lieutenant, \$400;

For pay of one associate professor of mathematics (major), in addition to pay as captain, \$600;

For pay of one associate professor of modern languages (major), in addition to pay as captain, \$600;

For pay of one constructing quartermaster in addition to pay as major, \$1,000;

For additional pay of professors and officers (and officers on increased rank) for length of service, \$12,000;

In all, for extra pay of officers of Army on detached service at the Military Academy, \$31,000;

For pay of the Military Academy band, field musicians, general Army service, cavalry and artillery detachment, and enlisted men on detached service, and extra pay for enlisted men on special duty:

For pay of military band, one band sergeant and assistant leader, \$900;

Twelve enlisted musicians at \$40 per month, \$5,760;

Twelve enlisted musicians, at \$36 per month, \$5,184;

Sixteen enlisted musicians, at \$24 per month, \$4,608;

Additional pay for length of service, \$2,268;

Clothing on discharge, \$1,100;

Travel allowance to enlisted men on discharge, \$75;

For interest on deposits of enlisted men on discharge, \$300;

For pay of field musicians: One sergeant, with pay of first-class musician, \$600;

One corporal, \$252;

Twenty-two privates, at \$180 each, \$3,960;

Additional pay for length of service, \$516;

Clothing on discharge, \$500;

Travel allowance to enlisted men on discharge, \$50;

Interest on deposits due enlisted men on discharge, \$40;

For pay of general Army service: One first sergeant, \$540;

Eight sergeants, \$2,880;

Two cooks, \$720;

Nine corporals, \$2,268;

One hundred and eighty privates, \$32,400;

Additional pay for length of service, \$14,784;

Clothing on discharge, \$5,310;

Interest on deposits of enlisted men, \$875;

For travel allowances due enlisted men on discharge, \$260;

Extra pay of the enlisted men of the Army service detachment, Quartermaster's Department, on extra duty at West Point, \$22,000;

For pay of cavalry detachment: One first sergeant, \$540;

Six sergeants, \$2,160;

Two cooks, \$720;

Six corporals, \$1,512;

Two trumpeters, \$360;

Two farriers and blacksmiths, \$504;

One saddler, \$252;

One wagoner, \$252;

Seventy-nine privates (cavalry), \$14,220;

Additional pay for length of service, \$4,500;

Clothing on discharge, \$1,800;

Traveling allowances to enlisted men on discharge, \$820;

Interest on deposits to enlisted men, \$100;

For pay of artillery detachment: One first sergeant, \$540;

One quartermaster-sergeant, \$360;

One stable sergeant, \$360;

One chief mechanic, \$288;

Six sergeants, \$2,160;

Three cooks, \$1,080;

Twelve corporals, \$3,024;

Four mechanics, \$1,008;

Two trumpeters, \$360;

One hundred and two privates, \$18,360;

One electrician sergeant, \$540;

One master gunner, \$480;

For additional pay for first and second class gunners, \$1,260;

Additional pay for length of service, \$2,000;

Clothing on discharge, \$1,500;

Interest on deposits due enlisted men, \$125;

Travel allowances to enlisted men on discharge, \$900;

For extra pay of two enlisted men employed as clerks in the office of the adjutant, United States Military Academy, at 50 cents each per day, \$365;

For extra pay of two enlisted men employed as clerks in the office of the commandant of cadets, at 50 cents each per day, \$365;

For extra pay of four enlisted men as printers, at headquarters United States Military Academy, at 50 cents each per day, \$626;

For extra pay of one enlisted man employed as watchman, at 35 cents per day, \$191.63;

For extra pay of one enlisted man employed as trumpeter at the cadet barracks, at 35 cents per day, \$159.69;

For extra pay of one enlisted man employed in the philosophical department observatory as a mechanic, at 50 cents per day, \$156.50;

For extra pay of one enlisted man employed in the philosophical department in care of apparatus, at 50 cents per day, \$156.50;

For extra pay of two enlisted men employed in the chemical department, at 50 cents per day, \$313;

For extra pay of one enlisted man employed in the department of drawing, at 50 cents per day, \$156.50;

For extra pay of one enlisted man employed in the mathematical department, at 50 cents per day, \$156.50;

For extra pay of one ordnance soldier as draftsman and lithographic printer, at 50 cents per day, \$156.50;

For extra pay of one ordnance soldier as machinist, at 50 cents per day, \$156.50;

For extra pay of one ordnance soldier as clerk, at 50 cents per day, \$156.50;

For extra pay of one ordnance soldier when employed in department of ordnance and gunnery, at 50 cents per day, \$156.50;

For extra pay of two enlisted men (cavalrymen) when performing special skilled mechanical labor, at 50 cents each per day, \$313;

For extra pay of one enlisted man (cavalryman) employed as saddler, at 50 cents per day, \$156.50;